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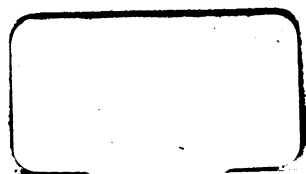
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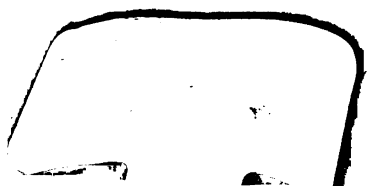
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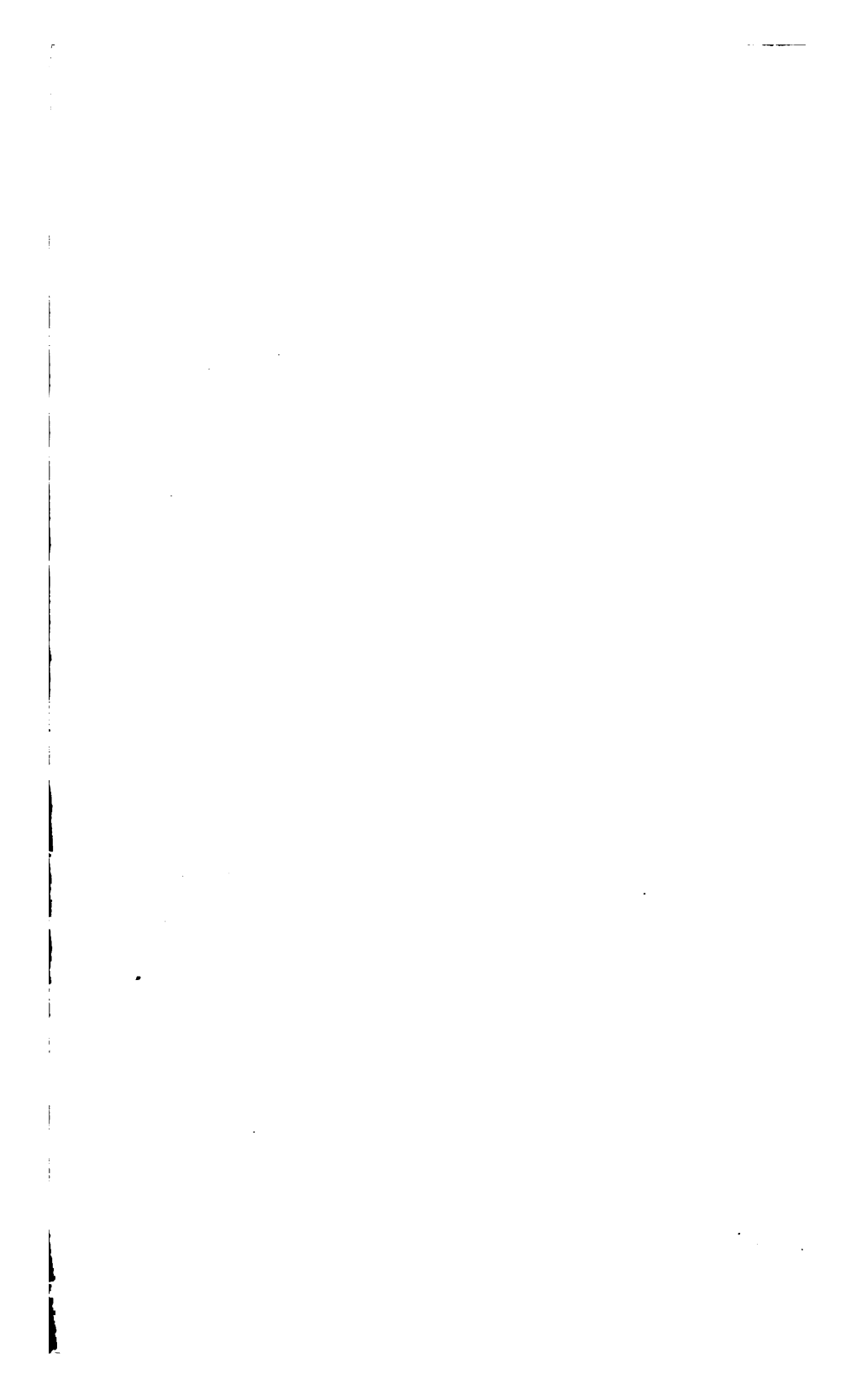
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THE  
HISTORY  
OF  
GREAT BRITAIN,

FROM THE  
FIRST INVASION OF IT BY THE ROMANS  
UNDER JULIUS CÆSAR.

WRITTEN ON A NEW PLAN.

---

By ROBERT HENRY, D.D.

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SOCIETY OF ANTIQUARIANS OF SCOTLAND, AND OF  
THE ROYAL SOCIETY OF EDINBURGH.

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THE



THE  
HISTORY  
OF  
GREAT BRITAIN.

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BOOK IV.

CHAP. II.

*History of Religion in Great Britain, from the death of King John, A.D. 1216., to the accession of Henry IV. A.D. 1399.*

SECTION I.

*History of Religion, from A.D. 1216. to A.D. 1300.*

AS the subjection of the kingdom of England to the see of Rome by King John, Cent. XIII.  
was a very surprising event, it was attended Changes produced by King John's subjection to Rome.  
with very strange effects. In particular, it produced an instantaneous and total change in the language and conduct of all parties concerned.  
The Pope, who had poured out upon King John

**Cent. XIII.** the heaviest curses, as the worst of men, and the greatest enemy of God, now loaded him with blessings, as the best of princes, and the greatest favourite of heaven. King John, who had maintained a passionate opposition to the ambitious pretences of the Pope, and threatened to pull down his power, now became the warmest advocate for those pretences, and took shelter behind the papal chair. The English barons, who had affected to revere the dictates of the Pope as the commands of God, and to dread his fulminations as the artillery of heaven, when they were pointed against King John, treated them both with the most sovereign contempt, when they were turned against themselves. Such is the shameless versatility of unprincipled politicians !

The Pope  
friendly to  
Henry III.

As the Pope had been the zealous friend of King John in the last years of his reign, he warmly espoused the cause of his infant son Henry III. against his competitor Prince Lewis, Henry, at his coronation, having sworn fealty to the Pope as his superior lord, Gualo, the papal legate, renewed the sentence of excommunication against Prince Lewis and all his adherents<sup>1</sup>. After the peace was concluded between Henry and Lewis, and this last prince had left the kingdom, the clergy and barons of his party were treated with great severity by the Pope, and constrained to pay great sums of money for having dared to despise the thunders of the church of Rome.<sup>2</sup>

<sup>1</sup> M. Paris, p. 292. Annal. Waverlien ad an. 1216. Wilkin.  
Cancil. t. 1. p. 546.

<sup>2</sup> M. Paris, p. 299.

Cardinal

Cardinal Langton held a synod at Oxford, A. D. 1222., in which fifty canons were made, which contain little new or remarkable. By the twenty-eighth canon, clergymen are prohibited to keep concubines publickly in their own houses, or to go to them in other places so openly as to occasion scandal.<sup>3</sup>

Cent. XIII.  
Synod of  
Oxford.

The court of Rome, whose thirst for money was quite insatiable, formed a project about this time, which would have brought a prodigious mass of money into the papal coffers, if it had been accomplished. By this project the revenues of two prebendaries in every cathedral, and of two monks in every monastery, in all the countries in communion with the church of Rome, were to have been granted to the Pope for the better support of his dignity. When this project was laid before the parliament of England, A. D. 1226., this cold evasive answer was returned to the papal legate: "That this affair concerned all Christendom; and they would conform to the resolutions of other Christian countries."<sup>4</sup>

Papal project.

The death of Cardinal Langton, on the 9th of July A. D. 1228., occasioned fresh disputes. The manner of filling up the highest dignity in the church of England, was in those times so unsettled, that every vacancy endangered the peace of the kingdom. The monks of Canterbury on this occasion made a hasty election of Walter de Hemesham, one of their own number; with

Richard  
Archbishop.

<sup>3</sup> Wilkin. Concil. t. 1. p. 590.

<sup>4</sup> Id. Ibid. p. 620.

Cent. XIII. whom both the King and the bishops of the province being dissatisfied, all parties, as usual, appealed to Rome<sup>5</sup>. His Holiness was in no haste to determine this cause, which he affected to think very doubtful and difficult, till the King, by his commissioners, made him a promise of a tenth of all the moveables, both of the clergy and laity of England. This made the case so clear, that he immediately declared Hemesham's election void; and, to prevent all further contests, by the plenitude of his own power he appointed Richard le Grand, chancellor of Lincoln, to be archbishop.<sup>6</sup>

A papal  
legate col-  
lects mo-  
ney.

The Pope, who was blessed with an infallible remembrance of the promises of the faithful, sent a legate into England to collect the tenths which the King had promised. This demand met with great opposition in the English parliament, especially from the lay barons. But at length, by the united weight of the papal and regal power, all were obliged to submit; and this heavy tax was collected with great exactness. The legate, to shorten his own work, obliged the bishops to pay the tax for their inferior clergy; and when any of them complained they had not money, he presented to them certain Italian usurers, which he had brought with him, who lent them money at an exorbitant interest<sup>7</sup>. Thus cruelly were our ancestors oppressed and fleeced by the venal and insatiable court of Rome!

<sup>5</sup> M. Paris, p. 350.

<sup>6</sup> T. Wykes, p. 41.

<sup>7</sup> M. Paris, p. 362.

This archbishop, whose election had cost the nation so dear, did not enjoy his dignity much above two years; but dying August 3d, 1231., made way for new disturbances. The monks made four successive elections, which were all voided by the Pope, because the persons elected were not thought to be sufficiently attached to the interests of the court of Rome. At length, after two years vacancy, the Pope recommended Edmund Rich, treasurer of Salisbury; who was chosen and consecrated.<sup>a</sup>

Cent. XIII.  
Edmund  
Arch-  
bishop.

The Pope had not only invaded the rights of the crown, in filling the higher stations in the church, but had made equal encroachments on the rights of private patrons, and had got into his hands, by one means or other, the disposal of all the valuable livings in the kingdom, which he generally bestowed upon Italians. This abuse became so insupportable, that in the year 1232. a great number of persons of considerable rank formed an association to drive all these foreign ecclesiastics out of the kingdom<sup>b</sup>. These associates insulted the persons, and plundered the houses, of the Italian clergy: a thing so agreeable to the whole nation, that they met with no opposition.

The Ita-  
lian clergy  
insulted.

Cardinal Otho, one of those birds of ill omen, a legate from the Pope, arrived in England A. D. 1237., where he continued about three years, receiving many valuable presents from the bishops, monasteries, and clergy. During this time three

Constitu-  
tions of  
Otho.

<sup>a</sup> M. Paris, p. 385.

<sup>b</sup> Id. p. 275.

**Cent. XIII.** hundred Italians were sent into England, to be provided for in the church. This legate held a council at London, 1237.; in which a great number of canons were framed, which were called *the Constitutions of Otho*<sup>10</sup>. These constitutions do not contain many things new or remarkable. By the second canon, the sacraments are declared to be seven in number. The fifteenth is against the clandestine marriages of the clergy; and the sixteenth, against their keeping concubines publicly; both which practices were still very frequent in England. This legate convened two other assemblies of the clergy, with no other view but to make exorbitant demands of money.<sup>11</sup>

Archbishop  
Boniface.

Edmund Archbishop of Canterbury was so much chagrined at these grievous and incessant exactions of the court of Rome, which he could not prevent, that he left the kingdom, and retired to the monastery of Pontigniae in France, where he died, A.D. 1240.<sup>12</sup> Henry, by persuasions, promises, threats, and other means still more violent and unlawful, prevailed with the monks to chuse Boniface, the Queen's uncle, to be archbishop, though he was not very well qualified for that office. The Pope, by certain arguments which never failed of success at Rome, was prevailed upon to confirm the election.<sup>13</sup>

Opposition  
of the  
English to

During the primacy of this prelate, several nuncios and legates arrived in England, improving

<sup>10</sup> Spel. Con. tom. 2. p. 218. Wilkin. Concil. t. 1. p. 649.

<sup>11</sup> M. Paris, p. 448—549.

<sup>12</sup> Id. 532.

<sup>13</sup> Id. p. 553.



upon one another in the arts of pillaging this unhappy kingdom. The patience of the English was at last tired out; and the great barons, knowing that there was no other way to save the nation from being plundered, but by preventing the approach of these Romish harpies, sent orders, A.D. 1245., to the wardens of the sea-ports, to seize all persons bringing any bulls or mandates from Rome. It was not long before a messenger was apprehended with a fresh cargo of bulls, directed to Martin, the legate in England, empowering him to exact more money from the clergy on various pretences. The bulls being seized, the legate complained bitterly to the King of this daring insult; who commanded the bulls to be restored. The barons, in order to open the eyes of this deluded monarch, who assisted a foreign court in plundering his own subjects, laid before him an account of the incredible sums which went from England to Rome. Among other articles, it appeared that the church-preferments possessed by Italians in England amounted to sixty thousand marks *per annum*: a greater sum than the ordinary revenues of the crown. Though Henry was much surprized at this account, he had not virtue and spirit to join with his people in putting a stop to those grievances. The barons, determining to go through with the work which they had begun, held another meeting at Dunstable; under pretence of a tournament. From this meeting they sent a bold knight to command the legate, in the name of the barons of England, immediately to leave the kingdom. The

Cent. XIII.  
the exactions of Rome.

Cent. XIII. knight executed his commission with spirit, assuring Mr. Martin, that if he remained three days longer in England, he would infallibly be cut in pieces. The legate perceiving that it was no longer in the King's power to protect him from the fury of an injured nation, departed with all possible speed.<sup>14</sup>

Applica-  
tion to the  
council of  
Lyons.

The barons, not contented with what they had done, resolved if possible to prevent the return of those oppressions which the kingdom had long suffered from the see of Rome. With this view, they sent very honourable ambassadors to lay the grievances of the church and kingdom of England before a general council, which was then sitting at Lyons, in which the Pope presided in person. The letter which these ambassadors presented to the council from the barons of England, breathes a spirit of independency and good sense hardly to be expected in that age. After a very full and free enumeration of the oppressions of the court of Rome, it concludes with these bold and resolute expressions: "We can, no longer, with any patience, bear the foresaid oppressions; which, as they are detestable to God and man, are intolerable to us; neither, by the grace of God, will we any longer endure them<sup>15</sup>." William Powerie, one of the ambassadors who presented this letter, made a spirited harangue to the council, in which he set forth the innumerable frauds and insatiable avarice of the court of Rome in such strong colours, that His Holiness was covered

<sup>14</sup> M. Paris, p. 659.

<sup>15</sup> Id. p. 666.

with

with shame, and a blush was seen on the face of Cent. XIII.  
 infallibility. But this blush was all the satisfaction }  
 the English nation obtained from the Pope and  
 council, who put off the consideration of this  
 affair so long, that the ambassadors, seeing no pros-  
 pect of redress, returned home in discontent.<sup>16</sup>

The unnatural fit of modesty with which His Holiness had been seized at the council of Lyons, was not of long duration: for the very year after we find his agents in England as violent as ever in their extortions; which occasioned fresh remon-  
 strances, not only from the barons, but even from the King and clergy. The letters to the Pope from the King and clergy, were humble and timid; but those from the barons were more bold, threat-  
 ening, that if His Holiness did not immediately redress their grievances, they would do them-  
 selves justice<sup>17</sup>. But all these letters were treated with scorn by the haughty pontiff, who became daily more imperious and tyrannical. He obliged the English prelates to subscribe the sentence of excommunication against the Emperor Fre-  
 derick II., and to furnish a certain number of armed men to fight against that prince, though he was brother-in-law to their own king<sup>18</sup>. Not contented with all this, the court of Rome, in this same year 1246., demanded at once the half of all the revenues of the non-residing clergy, and the third of the revenues of those who re-  
 sided. This demand being so great, rendered the

Further  
 extortions  
 of the  
 court of  
 Rome.

<sup>16</sup> M. Paris, p. 681.

<sup>17</sup> Id. p. 699, &c.

<sup>18</sup> Id. p. 701.

clergy

**Cent. XIII.** clergy unanimous in their opposition, in which they were supported by the King and barons. His Holiness, finding he had gone a little too far, very prudently desisted.<sup>19</sup>

Courage  
of the  
Bishop of  
Lincoln.

While the Pope was thus trampling upon the church and kingdom of England, a private prelate had the courage to oppose him; and, which is more wonderful, to oppose him with success. This ecclesiastical hero was Robert Grostested Bishop of Lincoln, a person of uncommon learning for the age in which he lived; and of such unfeigned piety, untainted probity, and undaunted courage, as would have rendered him an ornament to any age. When this Bishop received bulls from Rome, he examined them with great attention; and if he found that they commanded anything contrary to the precepts of the gospel, and the interests of religion (which was very often the case), he tore them in pieces, instead of putting them in execution. Innocent IV. one of the most imperious pontiffs that ever filled the papal chair, sent this bishop a bull, which contained in it the scandalous clause of *Non obstante*, so much and so justly exclaimed against in that age; and besides, commanded him to bestow a considerable living in his gift upon the Pope's nephew, who was an infant. The Bishop was so far from complying with this bull, that he sent the Pope a letter, in which he exposed the injustice and impiety of it, with the greatest freedom and severity. With regard to the

<sup>19</sup> St. Paul, p. 708.

clause

clause of *Non obstante*, lately introduced into the <sup>Cent. XIII.</sup> papal bulls, the good Bishop used these expressions in his letter: "That it brings in a deluge of  
 " mischief upon Christendom, and gives occasion  
 " to a great deal of inconstancy and breach of  
 " faith; it even shakes the very foundations of  
 " trust and security amongst mankind, and makes  
 " language and letters almost insignificant." With respect to that part of the bull which required him to bestow a benefice upon an infant; he says,—" Next to the sins of Lucifer and Anti-  
 " christ, there cannot be a greater defection, or  
 " which carries a more direct opposition to the  
 " doctrine of our Saviour and his apostles, than  
 " to destroy people's souls, by depriving them of  
 " the benefits of the pastoral office; and yet those  
 " persons are guilty of this sin, who undertake  
 " the sacerdotal function, and receive the profits  
 " without discharging the duty. From hence it  
 " is evident, that those who bring such unquali-  
 " fied persons into the church, and debauch the  
 " hierarchy, are much to blame; and that their  
 " crimes rise in proportion to the height of their  
 " station."—These were strains of truth and  
 freedom to which His Holiness had not been  
 accustomed. He fell into a furious passion, and  
 swore by St. Peter and St. Paul, that he would  
 utterly confound that old, impertinent, deaf,  
 doting fellow, and make him a talk, and astonish-  
 ment, and example to all the world. "What!"

\* Collier, Ch. Hist. vol. 2. p. 460. Annal. Burton, p. 326.

said

**Cant. XIII.** said he, "is not the King of England, his master, " our vassal, or rather our slave? and will he not, " at the least sign of ours, cast him into prison?" When His Holiness had a little spent his rage, the cardinals represented to him, "That the world " began to discover the truth of many things contained in the Bishop's letter; and that if he " persecuted a prelate so renowned for piety, " learning, and holiness of life, it might create " the court of Rome a great many enemies." They advised him therefore to let the matter pass, and make as if he had never seen this provoking letter". — What honour is due to the memory of the noble Grosted, who made so bold a stand against the tyranny of the court of Rome in an age when it trampled upon kings and emperors!

Synod of  
Merton.

Boniface Archbishop of Canterbury was of a very different spirit, and screwed up the power of the church to the greatest height. This appears from the canons of the provincial synod held at Merton in Surrey, A.D. 1258., by this prelate. The first canon forbids archbishops, bishops, and inferior clergy, to appear before civil courts to answer for any part of their conduct which had the most remote relation to church affairs; and threatens the judges, and even the King himself, with the highest censures of the church, if they insist on such appearance. The second relates to patronages; and the third is against the intrusion of clerks into benefices by a lay power. The

" Du Pin's Ch. Hist. vol. 21. p. 62. M. Paris, p. 270, &c.

fourth makes such regulations concerning excommunication as rendered that sentence truly terrible. Cent. XIII. The fifth forbids laymen to imprison clergymen. In the sixth the church claims a right of judging concerning contracts between a clergyman and a layman. The seventh asserts the right of the church to judge and punish Jews. The eighth provides for the perfect security of those criminals who had taken sanctuary in churches. The ninth, tenth, and eleventh, are designed to prevent all invasions of every kind on the possessions of the church and clergy, which are declared sacred and inviolable. And the two last provide for the church's peaceable enjoyment of all pious legacies and donations<sup>22</sup>. In a word, the visible tendency of all those canons was to emancipate the church and clergy from civil authority, and, at the same time, to wreath the yoke of ecclesiastical tyranny still faster about the necks of the laity. It is no wonder, therefore, that the laity were alarmed at these proceedings. The barons wrote a letter to the Pope, complaining of those stretches of church power, and of the ignorance and immoralities of the clergy, and threatening to withdraw those ample revenues which had been bestowed upon the church by the piety of their ancestors, since they were so much abused. But they applied to a very wrong quarter for redress: His Holiness answered coldly, that he did not suppose the clergy of England were more ignorant or immoral than they had been in former ages; and

<sup>22</sup> See Spelman, *Lynwood*, and *Johnson's Councils*.

that

**Cent. XIII.** that it was utterly impossible to withdraw any part of the revenues of the church; for whatever was once dedicated to the service of God was irrevocable.”

**Synod of Lambeth.**

The Archbishop, secure of the protection of the Holy See, was so far from retracting any thing he had done, that he held another provincial synod, A. D. 1261., at Lambeth, in which the constitutions of Merton were confirmed and enlarged. The second of these additional canons complains bitterly of the secular powers, for sometimes preventing prelates from inflicting pecuniary and corporal punishments on delinquents; and denounces the heaviest censures on those disturbers of church-discipline. By another of these canons, every bishop is commanded to have one or two prisons in his diocese, for the confinement of clerks convicted of capital crimes; “for,” says the canon, “if any clerk be so incorrigibly wicked, that he must have suffered capital punishment if he had been a layman, we adjudge such an one to perpetual imprisonment.” So shameless were the clergy of those times, not only in their practices, but in their very laws!

**Exactions of the Pope.**

Though we have said nothing for some time of the exactions of the court of Rome, we must not imagine that these exactions had ceased. On the contrary, they went on more briskly than ever. The fatal present of the crown of Sicily, which the

\* Annal. Burton, p. 388. Wilkin. Concil. t. i. p. 736—740.

\* Johnson's Canons, ann. 1261.



Pope made to Prince Edmund, A.D. 1254., furnished His Holiness with an excellent handle for draining England of its wealth, for several years; in which space he is said to have drawn from this kingdom about nine hundred and fifty thousand marks: an immense sum, equal in value and efficacy to twelve millions sterling of our money at present! It is true, indeed, that during the heat of the civil wars, especially when the barons had the ascendant, the Pope did not receive so much English money as usual, but he took great pains to get as much of it as possible. Cent. XIII.

After the restoration of the royal authority by the victory of Evesham, the Pope sent his legate Othobon into England, to congratulate Henry on that happy event, and to manage the affairs of the court of Rome. This legate, observing how matters went, very charitably excommunicated the late Earl of Leiceſter, and all his party, whether dead or alive<sup>25</sup>. The ſame legate held a national council, A. D. 1268., at St. Paul's in London<sup>26</sup>. In this council a great number of canons were made, much the ſame in ſubſtance with thoſe of the former council of London, 1237., under the legate Otho. Very ſevere canons were framed in this council, againſt pluralities, commendams, non-refidence, and the clergy's accepting of civil offices; but theſe canons made little or no reformation in any of theſe reſpects, being chiefly deſigned to increaſe the power and revenues of the Council of London.

<sup>25</sup> T. Wykes, p. 74.

<sup>26</sup> T. Wykes, p. 85. M. Weſtmouſt. p. 400.

**Cent. XIII.** Pope, by granting dispensations. This was the last council held in England in the reign of Henry III. who died on the 16th of November 1272.<sup>27</sup>

**Kilwarby**  
primate.

Boniface Archbishop of Canterbury did not long survive his great friend and patron King Henry; and his death occasioned fresh disputes about the election of a successor. The monks of Christ-church made choice of their sub-prior William Chillenden; but the Pope refused to confirm his election, and by his own power nominated Robert Kilwarby, a black friar, to be archbishop<sup>28</sup>. King Edward was not yet returned from the Holy Land; and the guardians of the kingdom, not willing to come to a rupture with His Holiness in the absence of their sovereign, acquiesced in this nomination. But that the rights of the crown might not suffer by their silence, they made a solemn protestation against this act of the Pope, as an encroachment on the royal prerogative, and insisted that it should not be drawn into precedent; and Barnard, the King's resident at the court of Rome, made a protestation in his master's name to the same effect. The monks of Canterbury, too, in order to preserve their own rights, proceeded to an election, and made choice of Kilwarby. From hence it appears, that though the kings and clergy of England often submitted to these papal encroachments, they never lost sight of their own undoubted rights.

<sup>27</sup> M. Westmonst. p. 401.

<sup>28</sup> Anglia Sacra, t. 1. p. 116.

In the year 1274., the Pope held a general council at Lyons, for the reformation of church discipline, and the relief of the Holy Land<sup>29</sup>. For this last purpose, the Pope and council imposed a tax on all the clergy of a tenth of their revenues, for six years. This tax was collected in England, as well as in other countries of Christendom.

Cent. XIII.  
Council of  
Lyons.

As the power of the Pope and the church appear to have been at their greatest height in England about this time, it may not be improper to take a short view of this prodigious fabric of ecclesiastical tyranny, and of the deplorable oppressions under which our ancestors groaned in this superstitious age. Some of those oppressions are not ill expressed in that letter of complaint which was written to the Pope by the King, the prelates, and the barons of England, A. D. 1246. In that letter they complain, 1. That the Pope, not content with the annual payment of Peter-pence, exacted from the clergy great contributions, without the King's consent, and against the customs, rights, and liberties of the realm of England. 2. That the patrons of churches could not present fit persons to the vacant livings, the Pope conferring them generally on Italians, who understood not the English language, and carried out of the kingdom the money arising from their benefices. 3. That the Pope oppressed the churches, by exacting pensions from them. 4. That Italians succeeded Italians, contrary to the decree of the

Oppres-  
sions of  
the Pope.

<sup>29</sup> De Fin's Chur. Hist. vol. II. p. 123.

Cent. XIII. council of Lyons; and that these Italians were invested in their livings without trouble or charges; whereas the English were obliged to prosecute their rights at Rome at a great expence. 5. That in the churches filled by Italians, there were neither alms nor hospitality; neither was there any preaching; and the care of souls was entirely neglected. 6. That the clause of *non obstante*, generally inserted in the Pope's bulls, absolutely destroyed all laws, customs, statutes, and privileges, of the church and kingdom<sup>30</sup>. To these were added many other grievances no less oppressive and intolerable; such as,—the Pope's filling the highest dignities of the church by his own power, and making the archbishops and others pay exorbitant sums for their preferments;—his drawing all causes of any importance to Rome, and keeping the parties long waiting for their determination, at a great expence;—if we add to all these the great sums that went annually to Rome, for pardons, indulgences, dispensations, &c. &c. &c. we shall be surpris'd that the kingdom was not drained of all its wealth.

Encroach-  
ments of  
the English  
clergy.

Besides all these oppressions and exactions of the court of Rome, the clergy at home claimed many privileges which were quite inconsistent with the peace and prosperity of the kingdom; such as an exemption from all civil authority and jurisdiction, by which they were at liberty to commit the greatest crimes almost with impunity.

<sup>30</sup> M. Paris, p. 699. An. Burton, p. 307.

The ecclesiastical courts encroached greatly on the jurisdiction of the civil courts, and claimed the sole right to judge all causes relating to tithes, marriages, testaments, and many other things, under a pretence that they had some connection with spirituals. The possessions of the clergy too, never diminishing, but daily increasing, were now swelled to an enormous bulk, and threatened to swallow up the whole lands of the kingdom. These things cried aloud for reformation, and the great prince who was now upon the throne made some amendments in a few particulars.

One of the statutes of Westminster 1275. set some bounds to the immunities of the clergy, by enacting, that when a clerk was indicted in the King's court for any felony, he should not be delivered to his ordinary, until he had undergone an inquest and trial by lawful men<sup>1</sup>. By the famous statute of mortmain, A. D. 1279., a stop was put to the further increase of the possessions of the church, which were already far too great. For by that statute it was enacted, "That from henceforth none shall either give, sell, bequeath, or change, or by any other title whatsoever assign, any lands, tenements, or rents, to any religious body, without licence from the King had for that purpose."<sup>2</sup>

In the year 1278., Robert Kilwarby Archbishop of Canterbury, being promoted to be

<sup>1</sup> Coke's Inst. part ii. p. 156.

<sup>2</sup> Rymer, col. 1461. Statutes at Large, p. 83.

**Cent. XIII.** cardinal of Oporto by the Pope, resigned his see, and went to Rome. His Holiness, after rejecting Robert Burnell Bishop of Bath and Wells, who was elected by the monks of Canterbury, nominated John Peckham, a Franciscan friar, to that high dignity, who is said to have paid a good sum for his nomination<sup>33</sup>. Peckham being consecrated by the Pope, came over to England, and was peaceably received by Edward, who did not think fit at this time to engage in a quarrel with the court of Rome.

**Synod of Reading.**

This primate held a provincial synod at Reading, in August 1279.; in which the constitutions of Ottobon were confirmed, and several canons were made,—about the collation to benefices;—describing the persons against whom the sentence of excommunication was to be annually denounced,—against the clergy keeping concubines,—about baptism,—and about the government of monks and nuns<sup>34</sup>. But some of these canons concerning excommunication were so disagreeable to the King and parliament, that the venerable Father John Archbishop of Canterbury was obliged to appear before the King in his parliament at Michaelmas the same year, and there had the mortification to see some of the articles of his late canons blotted out, and others changed.; and was made to declare his assent to these alterations. This was a very bold effort (considering the times) of the civil power against

<sup>33</sup> Du Pin, vol. xi. p. 75.

<sup>34</sup> Spelman Concil. t. ii. p. 340.

ecclesiastical tyranny, and a proper prelude to the statute of mortmain, which was enacted by the same parliament. Cent. XIII.

The same primate held another council of his clergy at Lambeth, A. D. 1281., in which several canons were made. The most remarkable of these was the first, which related to the administration of the eucharist. Amongst other things it is decreed, that at the elevation of the host the bells shall ring, and all that hear them, even out of church, shall fall down on their knees. The same canon contains also directions to the priests, what instructions they ought to give the people about this sacrament<sup>35</sup>. One of these instructions is so singular, that it well deserves a place here: “ Let priests also take care, when they give holy communion at Easter, or at any other time to the simple, diligently to instruct them, that the body and blood of our Lord is given them at once under the species of bread; nay, the very living and true Christ, who is entirely under this species in the sacrament. And let them also instruct them, that what is at the same time given them to drink, is not the sacrament, but mere wine, to be drank for the more easy swallowing of the sacrament which they have taken<sup>36</sup>.” These wise instructions were plainly intended to prepare the poor laics for what soon after happened, the depriving them of the cup

<sup>35</sup> Du Pin's Ch. Hist. vol. II. p. 131. Johnson's Canons, an. 1281.

<sup>36</sup> Spelman's Con. v. 2. p. 329.

**Cent. XIII.** entirely, and leaving them to swallow their dry bread in the best manner they could.

Primate's  
letter to  
the King.

The inclination which Edward and the parliament had lately discovered, to set some bounds to the increasing power and wealth of the clergy, was by no means agreeable to the Archbishop; who, in the year 1281., wrote a very sharp letter to the King on that subject<sup>37</sup>. In that letter he complains, that the church was oppressed, contrary to the decrees of the popes, the canons of councils, and the sanction of orthodox fathers; "in which," says he, "there is the supreme authority, the supreme truth, the supreme sanctity; and no end can be put to disputes, unless we can submit our solemnity to these three great laws." In this epistle the primate roundly declares, that no oaths shall bind him to do any thing against the interests and liberties of the church; and very kindly offers "to absolve the King from any oath he may have taken that can anywise incite him against the church." But this thundering letter made no impression on King Edward, who continued to take several other steps towards abridging the exorbitant power and wealth of the clergy.

New heresy.

Archbishop Peckham took occasion, A.D. 1286., to display his orthodoxy, and skill in scholastic divinity, by censuring several propositions maintained by one Richard Knapwell, a Dominican friar; the only heretic we hear of in England in the thirteenth century. These propositions main-

<sup>37</sup> Du Pin's Ch. Hist. vol. II. p. 131. Spelman's Concil. t. 2. p. 341.  
tained



tained by the friar, and condemned by the primate, are so far curious, as they shew us what were the subjects of controversy and disquisition amongst the divines and philosophers of this period, and were as follow: " 1. That the dead body of Jesus Christ had not the same substantial form as when living. 2. That if the eucharistical bread had been consecrated with these words, *This is my body*, during the three days Jesus Christ lay in his grave, the bread would have been transubstantiated into the new form which the body of Christ took at the separation of his soul. 3. That after the resurrection of Jesus Christ, the eucharistical bread is transubstantiated by virtue of these words, *This is my body*, into the whole living body of Christ; that is, the matter of the bread is converted into the matter of his body, and the substantial form of the bread into the substantial form of his body; that is to say, into his intellectual soul, so far as it constitutes the form of his body. 4. That in man there is only one form, namely, his rational soul, without any other substantial form. 5. That in articles of faith, a man is not bound to rest on the authority of the Pope, or of any priest or doctor; but that the holy scriptures, and right reason, are the only foundations of our assent".<sup>22</sup> One cannot help wondering how so important a truth as that which is contained in the last pro-

Cent. XIII.

<sup>22</sup> T. Wykes, p. 114. Knyghton, col. 2467. Spel. Com. vol. 2. p. 347.

**Cent. XIII.** position, ever came into company with the vile jargon and nonsense of all the rest. This last proposition, however, was no doubt considered by the primate as the greatest and most dangerous heresy of the whole.

**The King  
extorts  
money  
from the  
clergy.**

Archbishop Peckham dying A.D. 1292., was succeeded, after a vacancy of two years, by Robert Winchelsey, who sat very uneasy in the archiepiscopal chair. King Edward being much engaged in war, had great occasion for money, and made frequent demands upon the clergy, which were considered by them as grievous encroachments on the immunities of the church. These demands of money became more frequent and more heavy during the primacy of Winchelsey, on account of the long and expensive war with Scotland. In the year 1294., while the Archbishop-elect was still at Rome, Edward seized all the money which had been collected in England for the holy war, and was deposited in several monasteries, and applied it to his own use<sup>39</sup>. A few months after this, he called an assembly of the clergy to meet at Westminster on the 21st September in the same year, and demanded from them one half of all their revenues, both spiritual and temporal<sup>40</sup>. This demand, as might have been expected, was not very cheerfully complied with; and they obtained an audience of the King, in order to persuade him to accept of a more moderate proportion. But William Montfort Dean

<sup>39</sup> T. Wykes, p. 126. Walsing. p. 65.

<sup>40</sup> M. West. p. 421, 422.

of St. Paul's, whom they had appointed their orator, was thrown into so violent an agitation of spirits, probably by the royal frowns, soon after he had begun his harangue, that he sunk to the ground, and expired upon the spot. When the clergy, after this fatal accident, had returned to the monks' hall at Westminster, their deliberations were interrupted by the intrusion of Sir John Havering, sent by the King; who, with a fierce menacing air, addressed the assembly in this laconic speech: "Reverend fathers, if any of you dare to contradict the King's demand in this business, let him stand forth into the midst of this assembly that his person may be known, and taken notice of, as a breaker of the peace of the kingdom." None of the clergy had courage to return any answer to this speech, or make any further opposition to the King's demand.

The Archbishop hearing what havoc Edward was making of the revenues of the church, obtained a bull from Boniface VIII., one of the greatest champions for the power, wealth, and immunities of the clergy, that ever filled the papal chair, prohibiting all princes to levy any taxes on the clergy in their dominions, without the leave of the holy see, and forbidding the clergy to pay any such taxes; and threatening both princes and clergy with the dreadful sentence of excommunication in case of disobedience. Winchelsey, armed with this impenetrable shield (as

The clergy deny the right of the King and parliament to tax them.

<sup>a</sup> Rymer, vol. 2. p. 706. Heming. vol. 1. p. 104.

Cent. XIII. he imagined) against all future attempts on the sacred patrimony of the church, returned into England; and soon had occasion to try its strength and efficacy. For Edward held a parliament at St. Edmundsbury, on November 3. A. D. 1296.<sup>42</sup>, in which he demanded from the clergy a fifth of all their moveables. They refused to comply with this demand; and the Archbishop produced the Pope's bull, which he had hitherto kept secret, as the ground of their refusal<sup>43</sup>. Though the King was greatly offended at this refusal, and still more at the pretence on which it was built, he did not immediately proceed to extremities, but gave them to the next meeting of parliament to consider of the matter. At the meeting of the next parliament, 15th January 1297., the clergy still persisted in refusing to comply with the King's demand.<sup>44</sup>

The clergy  
obliged to  
submit.

Edward, perceiving that this dispute was come to a crisis, and that he must now establish the right of King and parliament to tax the possessions of the clergy without the consent of the Pope, or forever give it up, determined to carry his point. With this view he told the clergy, that since they would contribute nothing to the support of his government, they should receive no protection from it; and he gave orders to all his judges to do every man justice against the clergy, but to do them justice against no man. At the same time he directed writs to all the sheriffs in England,

<sup>42</sup> Walsing. p. 68.

<sup>43</sup> Walsing. p. 68.

<sup>44</sup> Heming, vol. I. p. 107.

commanding them "to seize all the lay fees of  
 "the clergy, as well secular as regular, together  
 "with their goods and chattels, and keep them  
 "in their possession, until they received further  
 "orders from him." These two things brought  
 such a torrent of abuses, injuries, and distresses  
 on the clergy, that many of them very soon com-  
 plied with the King's demand, and obtained the  
 protection of the government, and restitution of  
 their estates and goods. At last, even the Arch-  
 bishop himself, the chief author of all this disturb-  
 ance, after he had been stripped of all, and almost  
 reduced to want the necessaries of life, was  
 brought to submission, and paid the fifth part of  
 his moveables, to redeem the rest of his posses-  
 sions<sup>45</sup>. Thus did this great King, by his wise  
 and steady measures, triumph over the covetous  
 and selfish claims of the Pope and clergy, when  
 their power was at the highest.

While this great controversy between the King and the clergy subsisted, the primate held a provincial synod at London in January 1298., in which it was decreed, "That the seizers of eccle-  
 "siastical goods, and such as took them away by  
 "violence, without the free leave of their owners,  
 "or of their bailiffs, be publicly and in general  
 "denounced to be under the sentence of the  
 "greater excommunication, by the bishops them-  
 "selves in the cathedral churches and other no-  
 "table places, by other idoneous men, in other

Cent. XIII.

Synod of London.

<sup>45</sup> M. West. p. 429. Walsing. p. 69.

" churches

Cent. XIII. “ churches of every diocese, at the command of  
 “ the diocesan<sup>46</sup>.” But the whole body of the clergy being immediately after this put out of the protection of the law, and exposed to all manner of insults, these excommunications were either not denounced, or not regarded. After this storm was blown over, and the Archbishop had recovered the possession of his see, he sent a solemn mandate to all the bishops of his province, dated at Otteford 6th ides of July 1298., enjoining and commanding them, by virtue of their canonical obedience, 1. To cause the sentence of excommunication to be published in every church in each of their dioceses, against all seizers of the goods of ecclesiastical men, according to the decree of the synod of London. 2. To cause the same sentence to be published in each of their cathedral churches, twice a-year, against all infringers of the great charter, and the charter of forests (which had been lately renewed by the King), and to cause the said charters to be at the same time publicly read before the people. 3. To cause the same sentence of the greater excommunication to be published in every church in each of their dioceses, every Lord’s day, and every festival, against all who should be guilty of beating or imprisoning clergymen. All these excommunications were to be pronounced with the greatest possible solemnity, with bells tolling and candles lighted; that it may cause the greater dread;

<sup>46</sup> Johnson’s Canons, an. 1298.

“for laymen (says the primate) have greater regard to this solemnity than to the effect of such sentences.”<sup>47</sup> Cent. XIV.

Archbishop Winchelsey held a provincial synod at Merton, A. D. 1305., in which several canons were made, relating to the payment of tithes, the duty of stipendiary or mass priests, and some other things of no great importance. The fourth canon of this synod may perhaps be thought curious, as it contains a very full and distinct detail of the several books, vestments, and utensils which were used in the celebration of divine service in this period, together with the other furniture and ornaments of their churches. The design of the canon was to put an end to all disputes between the rectors of churches and their parishioners, by ascertaining what part of the books, vestments, utensils, furniture, and ornaments of the church each of them was to provide and keep in repair. By this constitution the parishioners were obliged to provide the following books for their church, viz. 1. A Legend or Lectionary, a book containing all the lessons, out of scripture, and other books, which were to be read throughout the year; 2. An Antiphonar, a book containing all the invitatories, responses, verses, collects, and every thing that was said or sung in the quire, except the lessons; 3. A Grail, a book containing the tracts, sequences, hallelujahs, the creed, offertory, trifagium, &c. and the office for sprinkling the holy water, and all that was to be sung at high mass:

Synod of  
Merton.

<sup>47</sup> Spel. Can. vol. 2. p. 428.

4. A Psal-

**Cent. XIV.** 4. A Psalter ; 5. A Troper, which contained only the sequences which were not in the Grail ; 6. The Ordinal, a book containing directions for the right method of performing all the divine offices ; this book was sometimes called the Pie or Portuís ; 7. A Missal or Mass-book ; 8. A Manual, a book containing the offices of baptism, and the other sacraments, except the mass, with the service used at processions. It must have been a great expence to parishes to provide all these books before the invention of printing, when the common price of a mass-book was five marks, equal to the yearly stipend of some vicars at that time. Besides these books, the parishioners were obliged to provide the following vestments, viz. 1. The principal vestment, or best cope, to be used on the greater festivals ; 2. A chesible, being the garment worn by the priest next under the cope, and which was sometimes called the planet ; 3. A dalmatic, the garment used by the deacon ; 4. A tunic, for the sub-deacon ; 5. A choral cope, for common use, with its appendages, viz. the alb, amyt, stole, maniple, and girdle ; 6. Three surplices, and one rochet, or surplice without sleeves ; 7. A frontal or covering for the great altar, and three or four towels. The parishioners were further obliged to provide the following sacred utensils ; 1. A chalice or cup for the wine, with a patin or cover, both of silver ; 2. A pyx or box for the body of Christ, of ivory or silver ; 3. A censer ; 4. A cross for processions, and another cross for the dead to be used in the burial office ; 5. A bap-



crystal font, with lock and key; 6. A vessel for the holy water; 7. A great candlestick for the taper at Easter; 8. A lanthorn and hand-bell, to be carried before the body of Christ in the visitation of the sick; 9. An osculatory, or board with the picture of Christ or the Virgin Mary painted on it, which the priest kissed immediately after consecrating the host, and then handed about to the congregation to kiss; 10. All the images in the church, and the chief image in the chancel. The parishioners were obliged also to build and keep in repair the body of the church, the glass windows, and to furnish it with bells, and several other things. All this must have been attended with a very great expence, as several of these articles were costly, both in their materials and workmanship. The rectors were obliged to keep the chancel, with its desks, &c. in repair.<sup>4</sup>

Cent. XIV.

The holding the synod of Merton was amongst the last public acts of Archbishop Winchelsey, in the reign of Edward I., he being soon after involved in very grievous troubles. For though the King and the primate had been outwardly reconciled to one another several years ago, yet that reconciliation never was sincere. The primate still continued to defend the immunities of the clergy with much zeal, and warmly joined with that party of the barons who opposed Edward's arbitrary measures, and obliged him frequently to confirm the great charter, against his inclina-

Troubles  
of the pri-  
mate.

<sup>4</sup> Spel. Cons. vol. 2. p. 431. Johnson's Cantab. A. D. 1305.

tion.

Cent. XIV.

tion. The King was greatly enraged at this behaviour of the Archbishop, and only waited a favourable opportunity to make him feel the weight of his resentment. Such an opportunity now offered. The High Constable, and Earl Marshal, the two heads of that party to which the primate had constantly adhered, had lately been deprived of their offices, and obliged to throw themselves on the King's mercy. Boniface VIII., the great friend and protector of Winchelsey, was now dead, and the papal chair was filled by Clement V: who having been born in Edward's French dominions, was much disposed to favour his native sovereign. The King accused the Archbishop before the Pope of various crimes, particularly of disturbing the peace of the kingdom by abetting the factious barons; and His Holiness suspended him from the execution of his office, deprived him of the temporalities of his see, and cited him to appear at Rome<sup>40</sup>; where he continued in indigence and disgrace, till after the King's death, when he was recalled by Edward II. and restored to his dignities and possessions.

Checks  
given by  
parliament  
to the ex-  
actions of  
the clergy.

Edward I., in the absence of the primate, endeavoured to reform several ecclesiastical abuses in his last parliament, which met at Carlisle 21st January 1307. The superiors of several religious orders, who lived beyond seas, used frequently to come into England, on pretence of visiting the monasteries of their order; from whence they

<sup>40</sup> Walsing. p. 91. W. Thorn. col. 2003.

extorted

extorted great sums of money, which they carried Cent. XIV.  
out of the kingdom. To prevent this practice,  
a statute was made, prohibiting the exportation  
of the goods of religious houses on any pretence  
whatsoever.<sup>50</sup>

The court of Rome, ever fertile in expedients Provisions.  
for obtaining power and wealth, had lately in-  
vented a new method of getting the disposal of  
all ecclesiastical benefices and preferments. This  
was by giving reversionary grants of benefices  
before they became vacant; by which the legal  
patrons were deprived of their right of presenta-  
tion. These grants were called provisions, because  
thereby successors were provided to incumbents  
while they were yet living. The Pope had also,  
about this time, laid claim to the first-fruits of all  
vacant bishoprics, which had formerly belonged  
to the King. The parliament made loud com-  
plaints against these, and several other schemes;  
which the court of Rome had lately set on foot to  
drain the kingdom of money. In order to ob-  
tain a redress of these new grievances, the parlia-  
ment drew up a list of them, which they sent to  
the Pope, accompanied with a very spirited  
letter. This list of grievances consisted of seven  
articles; which were as follows:

1. The extravagant number of provisions List of  
grievances  
granted by the Pope, of the best spiritual prefer-  
ments, to Italians, or other foreigners, and non-  
residents, to the great prejudice of the founders,  
benefactors, and their successors, and to such

<sup>50</sup> Coke's 2d Inst. p. 580. Ryley's Plait. Parl. p. 132.

**Cent. XIV.** as had the right of advowson, and the gifts of such preferments.

2. The rents and revenues of religious houses, which the Pope intended to apply to the use of divers cardinals.

3. Concerning first fruits of vacant benefices reserved to the Pope, a thing never heard of before; concerning the collection whereof, he had lately issued forth divers hard and severe orders, much prejudicial to the King, kingdom, and the whole English church.

4. About Peter-pence; that it was not taken according to the first grant, but exacted to treble the value.

5. Concerning legacies given to pious uses; that they were wickedly demanded, and exacted by the authority of the apostolic see, and converted to other uses than the testator or donor intended.

6. Concerning debts; that creditors went to the Pope's clerks, and offered them half the debt, more or less, to get the rest; who presently caused the debtors to be summoned, or distrained, to answer before them.

7. Concerning indistinct legacies; though approved by the civil or common law, yet the Pope's clerks impiously appropriated them to themselves, contrary to the design of the deceased.<sup>51</sup>

William Testa, the Pope's nuncio, was called before the parliament, sharply reprimanded for these new acts of extortion, and commanded to

<sup>51</sup> Ryley's Placit. Parl. p. 380. M. West. p. 437.

desist from them; and his inferior agents were Cent. XIV.  
 ordered to be prosecuted with the utmost severity. }  
 This noble spirit of the English parliament gave a  
 momentary check to the cruel exactions of the  
 court of Rome; but brought no effectual remedy,  
 as will appear from the sequel of this history.

There were but few innovations in the doctrine Innova-  
tions in  
this period.  
 of the church of England in this period; the minds  
 of the clergy being much more keenly engaged  
 in the pursuits of power and wealth, than in spe-  
 culative disquisitions. There happened, how-  
 ever, a considerable change in the sentiments of  
 the church in the point of transubstantiation, in  
 the course of the thirteenth century. In the be-  
 ginning of this century, the doctrine of the church  
 on this subject, as declared by the fourth general  
 Lateran council, was, "That the bread was tran-  
 substantiated into the body of Jesus Christ, and  
 the wine into his blood<sup>52</sup>." But before the  
 end of the century, the faithful were taught to  
 believe, "That both the body and blood of our  
 Lord, nay, the whole living and true Christ,  
 was given them at once, under the species of  
 bread; and that the wine which was given  
 them at the same time to drink was not the  
 sacrament, but mere wine<sup>53</sup>." There were not  
 a few changes in the worship and discipline of  
 the church in this period. The number of  
 festivals was considerably increased; bells were  
 tolled at the elevation of the host, to engage the  
 adoration even of those who were without the

<sup>52</sup> Du Pin, vol. II. p. 96.<sup>53</sup> Spel. Conc. vol. 2. p. 320.

**Cent. XIV.** church<sup>54</sup>. In partaking of the eucharist, sometimes a cup of wine was given to the laity, though it was declared to be no part of the sacrament; at other times they were put off with the washings of the priest's fingers<sup>55</sup>. Confession was more strictly and more generally enjoined than formerly; and none were permitted to communicate who did not give evidence of their having confessed<sup>56</sup>. What were called *ipso facto* or *ipso jure* suspensions and deprivations (by which those priests who were guilty of certain irregularities and vices were declared to be suspended from their offices, or deprived of their benefices, came first into use in this period. The first example we meet with of suspensions and deprivations of this kind, is in the Constitutions of Otho, the Pope's legate, in the synod of London, A. D. 1237. By the 15th of these constitutions it is decreed, That all married priests be *ipso jure* deprived of their benefices; that all their goods, even those which they had gotten with their wives, be applied to the use of the church; and that their children be incapable of church-preferments<sup>57</sup>. But this was an obstinate plague (as they called it), which for several centuries baffled all the power and cunning of the court of Rome, and required extraordinary methods to drive it out of the church. General excommunications came also into use in this century, by which all who were guilty of certain vices and crimes, though known only to

<sup>54</sup> Spel. Con. t. 2. p. 330.<sup>55</sup> Johnson's Can. A. D. 1236—21.<sup>56</sup> Id. ibid. vol. 2. A. D. 1228—15.<sup>57</sup> Id. ibid. A. D. 1237—15.

God and their own consciences, were declared Cent. XIV.  
to be excommunicated. These general excommunications were at first denounced chiefly against such as injured the clergy, by detaining their tithes, defrauding them of any of their dues, or stealing any thing belonging to the church. They were to be published by every parish priest in his holy vestments, with bells tolling and candles lighted, before the whole congregation, in the mother tongue, on Christmas, Easter, Pentecost, and Allhallows-day<sup>1</sup>. That these excommunications might make the greater impression on tender consciences or timorous natures, they contained the most horrible infernal curses that could be devised: "Let them be accursed eating and drinking; walking and sitting; speaking and holding their peace; waking and sleeping; rowing and riding; laughing and weeping; in house and in field; on water and on land, in all places. Curfed by their head and their thoughts; their eyes and their ears, their tongues and their lips; their teeth and their throats; their shoulders and their breasts; their feet and their legs; their thighs and their inwards. Let them remain accursed from the bottom of the foot to the crown of the head, unless they bethink themselves and come to satisfaction. And just as this candle is deprived of its present light, so let them be deprived of their souls in hell." "

<sup>1</sup> Speiman. Gen. vol. 2. p. 181.<sup>2</sup> Wanly's Catalogue.

**Cent. XIV.** Such was the bitter unchristian language of the excommunications of those times!

**Exactions  
of the court  
of Rome.**

But that which is most worthy of our attention, or rather of our indignation, in the church-history of this period, is, the unsatiable avarice, and boundless ambition of the court of Rome. The arts of that court to drain this unhappy kingdom of its treasure, and fleece both the clergy and laity, were almost innumerable. What prodigious sums of money were yearly carried out of England to Rome, — by pilgrims; by those who prosecuted appeals, and lawsuits, before that court; — by prelates who went thither to obtain consecration, and the confirmation of their elections; — by such as went to solicit, or perhaps to purchase, church-preferments, which were almost all bestowed by the Pope; — by the legates and nuncios who from time to time carried off incredible sums, raised on various pretences; — by the Italians, who possessed many of the richest benefices in England; — by the first-fruits of benefices; — by Peter-pence; — by the annual tribute imposed upon King John and his successors, and by several other means!

**Pride of  
the popes.**

The popes, who hypocritically styled themselves *The servants of the servants of the Lord*, pretended to be the universal monarchs of the Christian world, both in temporals and spirituals, and treated, not only the kings of England, but all the other sovereigns of Europe, as their vassals and subjects. Boniface VIII., who flourished towards the end of this period, carried these ambitious pretences to the greatest height, as appears from



from his famous bull, directed to Philip the Fair, Cent. XIV.  
King of France, dated 5th December 1301.:

“ Boniface the bishop, a servant of the servants  
“ of God, to Philip King of France. Fear God,  
“ and keep his commandments. We will you to  
“ know, that you are subject to us, both in spi-  
“ rituals and temporals. You have no right to  
“ bestow benefices and prebends, &c. &c. We  
“ declare them heretics who believe the con-  
“ trary.”<sup>60</sup> It will be difficult to find in history  
such an example of insolent humility.

Though this kingdom, and other parts of New  
orders  
of monks.  
Christendom already swarmed with monks and  
nuns of various orders, several new orders were  
instituted abroad in this period, and soon after  
their institution transplanted into England. The  
most considerable of these new orders were the  
Franciscans and Dominicans. The Franciscan  
order was founded about the beginning of the  
thirteenth century by Francis of Assisy, from  
whom they took their name. They were first in-  
troduced into England A. D. 1216., and soon  
became famous for their pretended sanctity and  
real wealth. The Dominican order was founded  
about the year 1215., by Dominic de Gusman,  
one of those cruel enthusiasts, who preached up  
the croisade against the Albigenes, by which such  
multitudes of unhappy people were destroyed,  
for no other crime than rejecting the tyranny,  
idolatry, and superstitions of the church of Rome.

<sup>60</sup> Du Pin, vol. 12. p. 5.

**Cent. XIV.** The Dominicans were first established at Thoulouse, which was the centre of those pretended heretics they were designed to destroy; and from thence they soon spread over all Christendom; and settled in England A. D. 1217.<sup>o</sup> This order hath long inherited the spirit of its founder, having the direction of the infernal tribunal of the inquisition, by which so many thousands of good men have been condemned to the flames.

## SECTION II.

*History of Religion in Great Britain, from A. D. 1307.  
to A. D. 1399.*

**Cent. XIV.** **Ambition of the Pope.** **T**HE conduct of the bishops of Rome never corresponded very well with the humbletitle which they assumed, viz, *The servants of the servants of the Lord*. But, in the dark ages we are now delineating, they acted much more like the sovereigns than the servants of the Christian world and treated the greatest monarchs as their subjects. In the first year of the fourteenth century, Boniface VIII. declared, in a bull directed to the King of France,—“That God had established the Pope sovereign over all kings and kingdoms, to pluck up, to destroy, to scatter, or to build; — that the King of France ought not to think that he hath no superior, and is not subject to the

<sup>o</sup> Du Pin, vol. 12. p. 257.

“ Pope ;

“Pope;—that he who is of that opinion is a fool  
“and an infidel.” Cent. XIV.

Nor was the avarice of the popes of those times inferior to their ambition; and while they insulted all the sovereigns who were in communion with them, they plundered their subjects without measure and without mercy. In a word, the pride and rapacity to those pretended vicars of the humble Jesus, were so great, that they could hardly be endured by the most infatuating superstition, and excited loud complaints in every Christian country. Their avarice.

In a parliament held at Carlisle in January A.D. 1307., great complaints were made of the tyranny and rapacity of the Pope,—in bestowing many of the best benefices in the kingdom by provisos on Italians and other foreigners, to the prejudice of the kingdom and of the lawful patrons;—in granting pensions to cardinals out of the revenues of religious houses;—in demanding the first-fruits of vacant benefices, which was a new demand, and very prejudicial to the King and kingdom;—in raising the rate of Peterpence much higher than the original grant;—in seizing legacies which had been given to pious uses, &c. An act was made in consequence of these complaints, prohibiting all these encroachments and extortions for the future<sup>2</sup>. But this act was ill executed, and had little or no effect. Act of parliament against the exactions of Rome.

<sup>1</sup> Du Pin, Hist. Eccles. Cent. XIV. chap. 1.

<sup>2</sup> Riley's *Placita Parliamentaria*, p. 379.

Cent. XIV.

Primate  
recalled.

Robert Winchelsey Archbishop of Canterbury, who had been several years in exile, was recalled by Edward II. immediately after his accession<sup>3</sup>. But that unfortunate prelate soon lost the favour of the young king, by refusing to dispense with the canons against pluralities and non-residence, in favour of the royal chaplains and court-clergy<sup>4</sup>.

Knights-  
templars  
prosecuted.

The prosecution of the knights-templars, which terminated in the dissolution of the order, and the execution of many of its members, engaged the attention of all the nations of Europe, for several years, in the beginning of the fourteenth century. This order, at its institution A. D. 1118., consisted only of nine knights, who had their residence in a house near the Temple (from which they obtained the name of the knights-templars), and engaged in the protection of the Christian pilgrims who visited Jerusalem. Many of these pilgrims being princes, prelates, barons, and persons of great wealth, they were very liberal to their protectors; and the knights-templars, by degrees, became numerous and opulent, having many valuable estates in every Christian country. Their prosperity corrupted their manners, created them many enemies, and at length brought on their ruin. Two knights, who had been severely punished for their crimes, publicly charged the whole order with the most detestable enormities. They affirmed particularly, — 1. That every knight, at his admission

<sup>3</sup> Wilkin. Concil. t. 2. p. 290.

<sup>4</sup> Antiq. Britan. p. 209.

into the order, was obliged to abjure Jesus Christ; to spit upon the crucifix, and to trample it under his feet: — 2. That they discharged him from all intercourse with women; but allowed him to commit the sin of Sodom: — 3. That they compelled him to worship a wooden head, with a long beard, which was adored by the whole order, in their general assemblies. This strange discovery made a mighty noise, and was very agreeable to the enemies of the order. Philip the Fair, King of France, was the most dangerous, because he was the most powerful of their enemies. That prince commanded all the Templars in his dominions to be seized in one day (October 5. A. D. 1307.), and thrown into prison. Cent. XIV.

Though Clement V., who filled St. Peter's chair at that time, seemed at first to be displeased with the proceedings of the King of France against the Templars, he was soon prevailed upon, by the prospect of sharing in their spoils, to imitate his example, and to animate both princes and prelates against them, by his bulls. In consequence of one of these bulls, directed to Robert Winchelsey Archbishop of Canterbury, a provincial synod was held at London, in November A. D. 1309., in which the affair of the Templars in England was debated. A great mass of evidence against the Templars, which had been collected by the Bishop of London, and other commissioners appointed by the Pope to examine those of that order in England, was laid before this synod. Synod of London. Upon the

<sup>5</sup> Du Pin, Hist. Eccles. Cent. XIV. ch. 2.

Cent. XIV.

force of that evidence, long and warm debates ensued, and at length the following sentence was pronounced: "That the Templars in London should be separated from one another, and examined again concerning the crimes objected to them; and that new interrogatories should be put to them, that if possible some truth might be extracted from them by their own confessions: that the same thing should be done to the Templars confined at Lincoln: that if by these separations and interrogatories they confessed nothing more than they had done before, they should then be put to the rack; but without mutilation, or the too violent effusion of blood. That the bishops of London and Chester, with the other commissioners, should acquaint the Archbishop when all this was done, that he might re-assemble the synod." The execution of this curious sentence took up a good deal of time: for the synod was not re-assembled till the feast of the exaltation of the holy cross, A.D. 1311. At that meeting, all the Templars who had been seized and brought to London appeared before the synod, and publicly confessed, — "That they had been accused of so many articles of heresy, that they could not legally exculpate themselves; and therefore they prayed for the mercy of God and of the church; and were ready to receive and perform whatever penances should be enjoined them." Upon hearing this, the synod decreed—"That they should

\* Wilkin, Concil. tom. 2. p. 324.

" be

“ be separated from one another, and sent to the Cent. XIV.  
 “ different monasteries of England to perform  
 “ the penances which should be enjoined them,  
 “ until the holy see, in a general council, should  
 “ finally determine concerning their state and  
 “ order.” <sup>7</sup>

A general council, consisting of about 300 Order of  
Templars  
dissolved.  
 archbishops and bishops, met at Vienne in Dau-  
 phiny, October 16. A. D. 1311. The chief in-  
 tention of calling this council was, to determine  
 the fate of the Templars, and to dispose of their  
 great estates. After long deliberation, a solemn  
 session of the council was held, May 22. A. D.  
 1312., in which Pope Clement V. presided in per-  
 son, and at which the King of France, the capital  
 enemy of the Templars, was present. In this ses-  
 sion the final sentence against the Templars was  
 pronounced with great solemnity, dissolving that  
 order, and bestowing all its riches on the knights-  
 hospitallers. But the sentence itself contains suf-  
 ficient evidence, that those who pronounced it  
 were conscious of its severity, or rather of its injus-  
 tice. For the Pope, in his bull of condemnation,  
 declared, “ That though it could not be done  
 “ according to the usual rules and forms of jus-  
 “ tice, yet he dissolved the order of the Templars  
 “ by the plenitude of his power.” Thus fell  
 the famous order of the knights-templars, after it  
 had flourished almost two centuries, and had at-  
 tained a great degree of prosperity and wealth.

<sup>7</sup> Wilkin, Concil. tom. 2. p. 314.

<sup>\*</sup> Du Pin, Cent. XIV. ch. 2. Walsing. Hist. Angl. an. 1312.

That

**Cent. XIV.** That many of its members were dissolute in their manners is not improbable; but that an order of knights instituted for fighting in defence of Christianity, should make the renouncing of Christ, with every mark of contempt, the capital ceremony of their admission, is altogether incredible.

The English clergy complain of grievances.

From the time that William the Conqueror separated the ecclesiastical from the civil jurisdiction, there had been continual disputes between the ecclesiastical and civil courts, about the limits of their authority. Many attempts had been made to terminate these disputes, by regulating the boundaries of the different jurisdictions. But this was found to be a very difficult task, on account of the mixed nature of many actions, which gave both the spiritual and temporal courts a claim to take cognizance of them. These disputes therefore still continued: and loud complaints were made, in the council of London above mentioned, of the encroachments of the civil upon the ecclesiastical courts. A long catalogue of these encroachments, which were called grievances, was drawn up by the council, and presented to the King in parliament, with an earnest supplication for redress. This curious catalogue is far too long to be here inserted; but the following article will serve to give us some idea of what the clergy esteemed grievances in this period.—  
*“Item, When clergymen are apprehended on suspicion of a crime, by the civil officers, they are not immediately delivered up to their bishops*



“ bishops upon demand, as of right they ought to be, but are long kept in prison, contrary to the liberties of the church and clergy.” To the several articles in this long list of grievances, the King, by the advice of his parliament, returned very artful and evasive answers.<sup>o</sup>

Cent. XIV.

The Pope, at the same time directed a bull to the Archbishop of Canterbury against the grievances of the English clergy, desiring, or rather commanding, the King (to whom the bull was to be communicated) to redress these grievances, in order to preserve himself and his kingdom from total destruction. In this bull, His Holiness complains bitterly, “ That clerks invested with the sacerdotal character, and shining with the splendour of pontifical dignity, were tried by laymen, condemned, and hanged, when found guilty of murder or robbery, to the great provocation of the supreme King, who hath forbidden the secular power to touch his anointed.” In so shocking a manner did this pretended vicar of Christ on earth pervert and misapply the word of God!

Pope's bull on that subject.

Robert Winchelsey, Archbishop of Canterbury, died May 11. A.D. 1313., in the twentieth year of his primacy. He is said to have been a prelate of great piety, an excellent grammarian, philosopher and divine; an affecting and popular preacher. The high notions which he entertained of the immunities of the clergy involved

Archbishop Winchelsey's death and character.

<sup>o</sup> Wilkin, Concil. tom. 2. p. 314—322.

<sup>o</sup> Id. ibid. p. 323.

him

**Cent. XIV.** him in many troubles ; which he sustained with uncommon fortitude."

Reynolds  
Archbishop  
of Canter-  
bury.

The monks of Canterbury elected Thomas Cobbeham dean of Salisbury, who was commonly called *the good clergyman*, to be their archbishop. But the Pope, at the request of Edward II., vacated this election, and in the plenitude of his apostolic power, appointed Walter Reynolds Bishop of Worcester to be primate, on the 1st day of October A.D. 1313.<sup>11</sup>

Extraor-  
dinary  
powers  
granted by  
the Pope.

Archbishop Reynolds appears to have been a great favourite of the reigning Pope, Clement V. who not only raised him to the primacy, but granted him several extraordinary powers by his bulls. By one of these bulls he gave him authority to visit the several dioceses in his province by proxy ; by another he authorised him to absolve one hundred persons who lay under the sentences of excommunication and interdict ; and by others he empowered him, — to relax all who heard him preach or say mass, from one hundred days penances ; — to bestow holy orders on one hundred bastards ; — to allow twelve clerks under age to enjoy benefices, with cure of souls ; — to dispense with the canons of the church against pluralities in favour of forty clergymen, &c.<sup>12</sup> In this manner, the popes of those times not only claimed a right to dispense with all the laws of the church them-

<sup>11</sup> *Anglia Sacra*, tom. 1. p. 11—17.

<sup>12</sup> *Id. ibid.* p. 18.

<sup>13</sup> Wilkin, *Concil.* tom. 2. p. 433—444.

selves, but even to delegate this dispensing power to others. Cent. XIV.

The disputes between the temporal and spiritual courts, about the limits of their several jurisdictions, still continuing, a remarkable statute, commonly called *articuli cleri*, was made, A. D. 1316., for terminating these disputes. As this statute was procured by the clergy, at a time when their assistance was much needed, it was very favourable to their shameful and exorbitant claims of exemption from civil authority. By the last chapter it is granted,—that when clerks confess before temporal judges their heinous offences, as theft, robbery, and murder, they cannot be judged or condemned by these temporal judges upon their own confession, without violating the privilege of the church; and that the privilege of the church being demanded in due form by the ordinary, shall not be denied.<sup>14</sup>

Statute  
called articuli  
cleri.

It was not long before one of the bishops had occasion to plead this statute, and was protected by it from the punishment due to his crimes. This was Adam de Orleton, Bishop of Hereford, a factious and martial prelate, who had appeared in arms with the rebellious barons defeated at Burrow-bridge A.D. 1321. Being accused of high treason before the House of Peers, in the parliament which met at Westminster in Lent A.D. 1324., he pleaded his privilege as a clerk, not to be tried by laymen; and being supported in this

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<sup>14</sup> Coke's Institut. Part 2. p. 601, &c.

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Adam de Orleton pleads the statute.

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**Cent. XIV.** plea by the other bishops, it was admitted<sup>15</sup>. The King, some time after, attempted to bring him to a trial in the court of King's Bench, for the same crime; but the three archbishops of Canterbury, York, and Dublin, came into court with their crosses borne before them, and carried him from the bar in triumph<sup>16</sup>. The Bishop of Hereford soon after completed his treasonable practices, by joining with the Queen and Mortimer in accomplishing the destruction of his unhappy sovereign.

The citizens of London murder the Bishop of Exeter.

The citizens of London did not pay so great regard to the privileges of the clergy, as the laws and courts of justice. Having embraced, with the most ardent zeal, the party of the Queen and Mortimer, they seized the brave, learned, and loyal Bishop of Exeter, Walter Stapleton, stripped him naked, loaded him with indignities, and at last cut off his head in Cheapside.<sup>17</sup>

Simon Mepham primate.

Walter Reynolds Archbishop of Canterbury died November 15. A.D. 1327., and was succeeded in that very important station by Simon Mepham<sup>18</sup>. This primate had a long and warm contest with the monks of St. Augustine at Canterbury, who pleaded a papal exemption from his authority. In the course of this contest, some of the Archbishop's servants beat and wounded two of the monks, and a notary, who had come to summon their master to appear before Icherius de Concoret canon of Salisbury, who had been commissioned by the Pope to examine and deter-

<sup>15</sup> T. Walsing. Hist. Ang. p. 115.

<sup>16</sup> Id. p. 119.

<sup>17</sup> Id. p. 124.

<sup>18</sup> Anglia Sacra, tom. 1. p. 18. 115.

mine this controversy. This insult was so highly Cent. XIV.  
 resented by the Pope and his commissioner, that  
 the primate was obliged to swear on the Gospels;  
 — That he had given no orders to his servants;  
 — that he execrated what they had done; —  
 that he had turned them all out of his service,  
 and would never receive any of them into it again.  
 He was also obliged to bring thirty other witnesses  
 to corroborate his own testimony. Icherius, after  
 he had thus humbled the Archbishop, pronounced  
 a definitive sentence against him, and condemned  
 him to pay no less than one thousand two hun-  
 dred and forty-one pounds to the convent for their  
 expences<sup>19</sup>. In this manner did the popes of  
 those times, and their meanest agents, trample  
 upon the greatest prelates, when they presumed  
 to dispute their most arbitrary mandates.

Archbishop Mepham celebrated several provin- Councils.  
 cial councils, particularly one at St. Paul's, Lon-  
 don, in February A.D. 1328., and another at  
 Magfield in July A.D. 1332. In the last of  
 these councils the number of the great festivals  
 to be observed in the church of England was  
 ascertained, and the manner prescribed in which  
 they were to be kept.<sup>20</sup>

This primate appears to have been very di- His dispute  
with the  
Bishop of  
Exeter,  
and death.  
 ligent in discharging the duties of his office. He  
 visited the dioceses of Rochester, Chichester, Sa-  
 lisbury, and Bath and Wells; but when he at-  
 tempted to visit that of Exeter, he met with a  
 very bold opponent. This was John Grandison,

<sup>19</sup> Chron. W. Thorn. col. 2039—2051.

<sup>20</sup> Wilkin. Concil. t. 2. p. 560.

**Cent. XIV.** Bishop of that see, who disputed the primate's right of visitation, and appealed to the Pope<sup>21</sup>. The Archbishop, disregarding this appeal, proceeded in his visitation. But when he arrived at the confines of the diocese of Exeter, he found the Bishop, with a numerous body of armed men, ready to dispute his entrance. This affront, together with the chagrin which his unfortunate contest with the monks of Canterbury had given him, had an ill effect upon his health; and he died at Magfield, October 12. A. D. 1333., after he had filled the archiepiscopal chair about five years and six months<sup>22</sup>. His body was for some time denied burial, until the abbot and monks of St. Augustine granted him their absolution; by which the historian probably means, a discharge of the debt which he owed them.<sup>23</sup>

Stratford  
primate,  
his great  
power.

John Stratford, Bishop of Winchester, was, by the interest of Edward III. at the court of Rome, translated to Canterbury. This prelate had been much engaged in secular affairs before his promotion to the primacy, and was still more engaged in them after that promotion<sup>24</sup>. For, being at the same time archbishop, chancellor, and prime minister to the young King, he had the chief direction of all the civil and ecclesiastical affairs of the kingdom. Even the monks of St. Augustine, though greatly elated with the complete victory which they had obtained over his predecessor, were glad to compromise all dis-

<sup>21</sup> Wilkin. Concil: t. 2. p. 539.

<sup>22</sup> W. Thorn. col. 2066.

<sup>23</sup> Anglia Sacra, tom. 1. p. 18.

<sup>24</sup> Anglia Sacra, tom. 1. p. 20.

putes with the new primate on his own terms, Cent. XIV. and to give up the final sentence which they had obtained in their favour."

Archbishop Stratford did not long enjoy this high degree of power and royal favour. Having failed in his endeavours to bring about a peace between France and England, he is said to have advised King Edward to prosecute his claim to the crown of France, by invading that kingdom with a powerful army, promising to provide money in England for defraying all the expences of the war. His advice was taken; but he did not fulfil his promise; which obliged Edward to make a truce with the King of France, and disband his army, after he had contracted a great load of debt. The King, on his return to England, November 30. A.D. 1340., expressed the most violent resentment against the Archbishop, to whose negligence or infidelity, in not sending him money, according to his promise, he ascribed all his disappointments. He immediately deprived him of all his secular employments, imprisoned his chief confidants, and would have seized his person, if he had not made his escape from Lambeth. To render him as odious to his subjects as he was to himself, Edward published a long manifesto, in which he accused him of pride, ingratitude, negligence, treachery, and various other crimes. But though the primate had thus lost his power, and the favour of his prince, his

The primate quarrels with the King.

\* W. Thom. col. 2069.

**Cent. XIV.** spirit remained undaunted. He published a long answer to the royal manifesto, which he styled a *defamatory libel*, and denied all the facts asserted in it, in the most direct terms. He mounted his pulpit in the cathedral of Canterbury, and harangued the clergy and people in praise of his predecessor Thomas Becket; and at the conclusion of his sermon, pronounced a sentence of excommunication against all who disturbed the peace of the church,—who incensed the laity against the clergy,—who did any injury to archbishops or bishops, their spiritual fathers, the ambassadors of Christ, and pillars of the church.<sup>25</sup>

The King  
and pri-  
mate re-  
conciled.

After this quarrel between the King and primate had raged with great violence for several months, interrupting all the public business of the nation, a seeming reconciliation was patched up, with much difficulty, by the interposition of some great men. All preliminaries being settled, the primate came into the painted chamber, where both houses of parliament were assembled, April 19. A. D. 1341., and kneeling before the King, who was seated on the throne, implored his pardon and favour; which was immediately granted, at the intercession of the lords and commons.

The primate, after his reconciliation with the King, kept himself for the most part within the sphere of his own profession. He published, at Lambeth, A. D. 1342., certain statutes and consti-

<sup>25</sup> *Anglia Sacra*, tom. I. p. 19—39.

tutions for regulating the proceedings in the Archbishop's court, commonly called *the court of arches*, from the place where it was held<sup>27</sup>. In the course of the same year, he celebrated two provincial councils at London, in which several canons were made; but they contain very little that is either new or remarkable.<sup>28</sup>

The Pope still continuing to encroach upon the rights of the crown, and of other patrons, by reservations and provisions<sup>29</sup>, King Edward wrote a very strong remonstrance to His Holiness against these practices; in which, amongst other things, he represented, "That by these provisions and reservations, the encouragements of religion were bestowed upon unqualified mercenary foreigners, who neither resided in the country, nor understood its language; by which means the ends of the priesthood were not answered, his own subjects were discouraged from prosecuting their studies, the treasures of the kingdom were carried off by strangers, the jurisdiction of its courts baffled by constant appeals to a foreign authority, and both the crown and private patrons were deprived of their most unquestionable rights. These mischiefs (adds he) are now become intolerable; and our subjects in parliament have earnestly requested us to put a stop to them by some speedy and effectual re-

Remonstrance  
against pa-  
pal provi-  
sions, &c.

<sup>27</sup> Wilkin. Concil. tom. 2. p. 681.

<sup>28</sup> Id. ibid. p. 696. 702.

<sup>29</sup> By reservations, the Pope reserved to himself the next presentation to any benefices he pleased; by provisions, he appointed the persons to whom they were granted to succeed the present incumbents.

**Cent. XIV.** “medy”.” But this most reasonable remon-  
 strance had little or no effect.

**Death of  
 Archbishop  
 Stratford.**

The wars with France and Scotland so much engrossed the attention of King Edward, and his subjects of all conditions, that few ecclesiastical transactions of importance occurred in the five last years of Archbishop Stratford's primacy. That prelate died on the vigil of St. Bartholomew, August 23. A. D. 1348., at Magfield, in the fourteenth year of his government of the church of England.<sup>31</sup>

**Ufford  
 primate.**

Those disputes between the crown, the canons of Christ-church, and the bishops of the province, which broke out almost on every vacancy of the see of Canterbury, were attended with very pernicious consequences. One of the worst of these consequences was, that the contending parties frequently appealed to Rome, which greatly increased the authority of that court, and afforded a specious pretence for its most ambitious claims. On the present occasion the canons having elected Thomas Bradwardin to be their archbishop, the King, who designed that high station for another, immediately applied to the Pope; and notwithstanding his late strong remonstrance against papal provisions, entreated His Holiness to raise John Ufford, Dean of Lincoln, to the see of Canterbury, by way of provision. This application was too agreeable to be unsuccessful. The Pope, in the plenitude of his power, promoted Ufford

<sup>30</sup> T. Walsing. p. 161.

<sup>31</sup> Anglia Sacra, tom. I. p. 41.



to the primacy of the church of England; but that prelate died June 7. A.D. 1349., without having received consecration." Oant. XIV.

A most destructive pestilence raged about this time in England, as well as in several other countries, and swept away so many of the clergy, that none could be found to perform divine service in many churches. "Before this plague (says Knyghton) you might have hired a curate for four or five marks a-year, or for two marks and his board; but after it you could hardly find a clergyman who would accept of a vicarage of twenty marks or twenty pounds a-year." <sup>23</sup> Great plague.

King Edward no longer opposing the promotion of his confessor Thomas Bradwardin, he was elected by the canons of Canterbury, immediately after the death of Archbishop Ufford, and consecrated at Avignon, where the Pope then resided, on the vigil of the feast of St. Margaret. At the consecration feast, Cardinal Hugh, one of the Pope's nephews, attempted to turn the new archbishop (who was remarkable for the humility of his appearance) into ridicule, by introducing into the hall a person dressed like a peasant, and riding on an ass, who presented a petition to the Pope to make him Archbishop of Canterbury. But this unpolite, unseasonable piece of wit was not relished by the Pope and cardinals, who thought it imprudent to affront a people from whom they derived Bradwardin primate.

<sup>23</sup> Anglia Sacra, tom. 1. p. 42.

<sup>33</sup> Hen. Knyghton, col. 2600.

**Cent. XIV.** so many benefits. Archbishop Bradwardin did not long survive his consecration, dying, at Lambeth, August 26. A.D. 1349., only seven days after his return to England<sup>34</sup>. Thus there were no fewer than three vacancies of the see of Canterbury in one year.

Archbishop  
Islep's  
constitu-  
tions.

Simon Islep, keeper of the privy seal, succeeded Archbishop Bradwardin, and was consecrated at St. Paul's, December 20. A.D. 1349. This primate proved a strict disciplinarian in spirituals, and a rigid exactor of the temporal emoluments of his see. In his primary visitation of his province, he deprived several clergymen for their irregularities, and excited very strong apprehensions in some of the suffragans<sup>35</sup>. His famous constitution, published at Lambeth in March A.D. 1351., breathes the same spirit of strictness in discipline. By that constitution it is decreed, that clerks who have been delivered up by the temporal judges to their ordinaries, and by them condemned to perpetual imprisonment for their crimes, shall receive only bread and water once a-day, on Wednesdays, Fridays, and Saturdays; and bread and small beer on Mondays, Tuesdays, and Thursdays; and bread, beer, and pulse, on Sundays, for the honour of the day<sup>36</sup>. This constitution was made in consequence of the strong remonstrances of the King and temporal lords in parliament, who complained that the clergy grossly abused their immunities; particularly,

<sup>34</sup> *Anglia Sacra*, tom. I. p. 42, 43.

<sup>35</sup> *Spelman. Concil.* tom. 2. p. 597.

<sup>36</sup> *Id. ibid.* p. 43.

that

that when a clerk had been found guilty of a capital crime, and condemned to perpetual imprisonment by his ordinary, he was either allowed to make his escape, or to live in riot and luxury in the bishop's prison<sup>27</sup>. This primate published another constitution, A.D. 1359., forbidding courts, fairs, and markets to be kept on Sundays, and commanding all persons to go to their parish-churches on that day, to ask pardon for their offences, and to make amends for all the omissions and commissions of the preceding week<sup>28</sup>. By another constitution, published A.D. 1362., he commands all Christians to keep all the saints' days with great devotion, that they might deserve the intercession of these saints with Almighty God. The late pestilence having occasioned a great scarcity of clergymen, those who remained demanded excessive salaries for serving the cure in churches. To remedy this evil, Archbishop Islip published a constitution, in which, after reproaching the clergy in very strong terms for their covetousness and other vices, he forbids any rector to give, or any curate to demand, more than one mark a-year above what had been given to the curate of that church before the plague.<sup>29</sup>

The Pope still continuing to encroach upon the rights of the crown and of private patrons, and to dispose of all the most valuable benefices in the church, by his provisions and reservations; the second statute of provisors was made to put a stop

Cent. XIV.

Statute of  
provisors.

<sup>27</sup> Spelman. Concil. tom. 2. p. 597.

<sup>28</sup> Id. ibid. p. 599.

<sup>29</sup> Johnson's Canons, A.D. 1362.

**Cent. XIV.** to these encroachments. By this statute it was enacted,—“ That if any person shall procure reservations or provisions from the Pope, in disturbance of free elections, or of the presentees of the king, or other patrons, that then the said provisors, their procurators and notaries, shall be apprehended, and brought to answer; and in case they are convicted, they shall be kept in prison till they have made fine and ransom to the king at his will, and have satisfied the party aggrieved, by paying his damages.”<sup>40</sup>

Statute of  
premunire.

But these papal provisions and reservations were not the only ground of complaint which the people of England had, at this time, against the court of Rome. The frequency of appeals to that court was, if possible, a still more vexatious and expensive grievance. To confine this intolerable evil within some limits, the statute of premunire was contrived. By that statute it is enacted, “ That all people of the king’s legiance, who shall draw any out of the realm in a plea, whereof the cognizance pertains to the king’s court, or of things whereof judgments are given in the king’s court, shall have two months warning given them to appear in the king’s courts to answer the contempt; and if they do not appear in their proper persons to be at the law within the time appointed, they, their procurators, &c. shall from that day forth be put out of the king’s protection, and their lands,

<sup>40</sup> See Statutes at Large, p. 63. Ed. III.

“ goods,

“goods, and chattels, shall be forfeited to the king, and their bodies imprisoned, and ransomed at the king’s will<sup>41</sup>.” But no statutes could put a period to the mischiefs which England suffered from its connection with the court of Rome, till that connection was happily dissolved.

Cent. XIV.

An event happened during the primacy of Archbishop Ilsep, which may give us some idea of the power of the clergy in the times we are now considering, and therefore merits a place in history. Robert Lord Morley, one of the most powerful barons of the kingdom, committed some trespasses in a park belonging to William Bateman, Bishop of Norwich. For these the Bishop prosecuted him with so much vigour, that, in spite of all his own power, and of the most earnest interposition of the King in his favour, he was obliged to submit to the following ignominious penance:—To walk in his waistcoat, bare-headed and bare-foot, with a wax-candle, weighing six pounds, lighted in his hand, through the streets of Norwich, to the cathedral; and there, in the presence of a prodigious concourse of people, to beg the Bishop’s pardon in the most humble posture and language.<sup>42</sup>

Power of the clergy.

But though the power of the clergy, at this time, was almost irresistible, when it was conducted with prudence and temper; yet, when it was exercised with violence and passion, it was

<sup>41</sup> Statutes at Large.<sup>42</sup> Anglia Sacra, t. i. p. 415.

some-

**Cent. XIV.** sometimes baffled. Of this the famous dispute between Lady Blanch, Baroneſs Wake, and Thomas de Lylde, Biſhop of Ely, affords a moſt remarkable example. In the beginning of this diſpute (the particulars of which are too many to be here inſerted), that prelate appears to have had right on his ſide ; but in the progreſs of it, he acted with ſuch intolerable inſolence, pride, and paſſion, that he became univerſally odious, was deprived of the temporalities of his ſee, obliged to fly out of the kingdom, and at laſt died of a broken heart, in a foreign land, A. D. 1361.<sup>43</sup>

Seven ſees  
vacant.

A moſt deſtructive peſtilence raged in England, and ſeveral other countries, A. D. 1360.; and in that year no fewer than ſeven Engliſh biſhoprics became vacant, which were all filled by papal proviſions<sup>44</sup>. So little effect had the ſtatute of proviſors, which had been made againſt that encroachment of the Pope, only ten years before.

Death of  
Simon  
Iſlep, and  
ſucceſſion  
of Simon  
Langham.

Simon Iſlep, Archbiſhop of Canterbury, did not very long ſurvive this great mortality amongſt his brethren. For, having languiſhed about three years under a paralytic diſorder, he expired, at Magfield, April 16. A. D. 1366.<sup>45</sup> The Pope, at this time, ſeems to have taken a pride in diſplaying his contempt of the laws which had been made in England againſt his proviſions, by filling every ſee that became vacant in that manner. Though the chapter of Canterbury had choſen

<sup>43</sup> Anglia Sacra, t. 1. p. 652.

<sup>44</sup> Id. ibid. p. 45.

<sup>45</sup> Id. ibid. p. 46.

William Edyndon, Bishop of Winchester, to be Cent. XIV.  
 archbishop, the Pope granted a provision to that  
 important station to Simon Langham Bishop of  
 Ely, and chancellor of England, who was ad-  
 mitted into it without any opposition.<sup>46</sup>

The translation of this prelate gave as much Verses.  
 pleasure to the diocese of Ely, as it gave disgust  
 to that of Canterbury. This appears from the  
 following rhyming Latin verses made on that  
 occasion :

Exultant cœli, quia Simon transit ab Ely,  
 Ad cujus adventum, flectit in Kent millia centum.<sup>47</sup>

Archbishop Langham had not much comfort Archbishop  
 in his promotion, and did not enjoy it long. The Lang-  
 Pope raised him to the dignity of a cardinal; ham's re-  
 and he imprudently accepted of that dignity signation.  
 without consulting the King; who was so much  
 offended at his presumption, that he seized the  
 temporalities of his see. Being much dispirited  
 by the King's displeasure, he resigned his arch-  
 bishopric November 28. A. D. 1368., and retired  
 to Avignon, where he died A. D. 1378.<sup>48</sup>

On the resignation of Archbishop Langham, Wittlesey  
 William Wittlesey, Bishop of London, was pro- Pimate.  
 moted to the primacy by a papal provision.  
 About this time almost all the great places of  
 power and profit in the kingdom were filled by  
 clergymen; which gave so much umbrage to the

<sup>46</sup> Anglia Sacra, t. I. p. 46.

<sup>47</sup> Id. ibid. p. 47.

<sup>48</sup> Id. ibid. p. 47, 48. 120.

commons,

**Cent. XIV.** commons, as well as temporal lords, that they presented a petition to the King, in a parliament held at Westminster A. D. 1371., representing, "That the government of the kingdom had for a long time been managed by men of the church, whereby many mischiefs and damages had happened in time heretofore, to the dishonour of the crown, and to the great prejudice of the kingdom;"—and praying,—“That it would therefore please the King, that laymen, and no others, might for the future, be made chancellor, treasurer, clerk of the privy seal, barons of the exchequer, comptroller, or other great officers and governors of the kingdom.” But to this petition the King returned the following answer, which implied a refusal: “He would do in this point what seemed best to him by advice of his council.”<sup>49</sup>

King's  
writes to the  
bishops.

All the applications that had been made to the court of Rome, and all the laws that had been enacted in England against the papal provisions and reservations, had produced little or no effect. The Pope still continued to bestow many of the best benefices of the kingdom upon foreigners by his provisions, with as little ceremony as if no such applications had been made, and no such laws had existed. In order to know the full extent of this grievance, the King sent his writs to all the bishops, A. D. 1374., requiring them to return certificates into chancery of all the bene-

<sup>49</sup> Parliamentary Hist. vol. i. p. 309, 320.



fices in their respective dioceses that were in the possession of Italians, and other foreigners.<sup>50</sup>

Cent. XIV.

Archbishop Whittlesey, after a very tedious illness, died in summer, A.D. 1374.<sup>51</sup> Soon after his death, the monks of Canterbury re-elected their former archbishop, Cardinal Langham, who was still alive, and resided at Avignon<sup>52</sup>. The King, greatly offended at this choice, applied to the Pope; who, at his request, translated Simon Sudbury from the see of London to that of Canterbury, by a bull, dated 11th May A.D. 1375.<sup>53</sup> By such imprudent applications to the court of Rome, in consequence of disputes at home, the power of the Pope was confirmed, and all attempts to diminish it were defeated.

Simon Sudbury primate.

It was probably from the information they had received from the returns of the bishops to the above mentioned writs, that the Commons in parliament, A.D. 1376., presented a very strong remonstrance to the King, against the intolerable extortions of the court of Rome. In this remonstrance it is affirmed, though it must be confessed it is hardly credible, "That the taxes paid to the Pope yearly, out of England, amounted to five times as much as the taxes paid to the King."<sup>54</sup>

Extortions of the Pope.

The insatiable avarice, and insupportable tyranny, of the court of Rome, had given such universal disgust, that a bold attack made about this time on the authority of that court, and doctrines

John Wickliff attempts a reformation of the church.

<sup>50</sup> Fox's Acts and Monuments. <sup>51</sup> Anglia Sacra, tom. 2. p. 120.

<sup>52</sup> Id. ibid.

<sup>53</sup> Id. ibid.

<sup>54</sup> Cotton's Abridg. p. 128.

**Cent. XIV.** of that church, was at first more successful than could have been expected, in that dark superstitious age. This attack was made by the famous Dr. John Wickliff, who was one of the best and most learned men of the age in which he flourished. His reputation for learning, piety, and virtue, was so great, that Archbishop Islip appointed him the first warden of Canterbury college in Oxford, A.D. 1365.<sup>55</sup> His lectures in divinity which he read in that university were much admired, though in these lectures he treated the clergy, and particularly the mendicant friars, with no little freedom and severity. A discourse which he published against the Pope's demand of homage and tribute from Edward III. for the kingdom of England, recommended him so much to that prince, that he bestowed upon him several benefices, and employed him in several embassies<sup>56</sup>. In one of these embassies to the court of Rome, A.D. 1374., he discovered so many of the corruptions of that court, and of the errors of that church, that he became more bold and more severe in his censures of those errors and corruptions. He even proceeded so far as to call the Pope antichrist, to deny his supremacy, and to expose his intolerable tyranny and extortions in the strongest colours. This, as might naturally have been expected, drew upon him the indignation of His Holiness, and involved him in various troubles. Pope Gregory XI.

<sup>55</sup> Collier's Church Hist. App N<sup>o</sup> 47.

<sup>56</sup> Biographia Britannica, p. 4260.

published several thundering bulls against him, Cent. XIV.  
 A. D. 1377., commanding him to be seized, imprisoned, and brought to trial, for his damnable heresies<sup>57</sup>. The affection of the people, and the favour of the court, protected him from imprisonment; but he found it necessary to appear before Simon Sudbury Archbishop of Canterbury, and William Courtney Bishop of London, who had been appointed his judges by the Pope. At this appearance he had the honour to be accompanied by two of the greatest men in the kingdom, John of Gaunt Duke of Lancaster, and Lord Henry Percy Marshal of England. These two lords demanded a chair for Dr. Wickliff; which being denied by the Bishop of London, some very angry words passed between that prelate and the Duke of Lancaster; which excited so violent a tumult in the court, that it broke up in great confusion, without doing any business. Dr. Wickliff made a second appearance before the papal commissioners at Lambeth, where he was attended by so great a body of the citizens of London, that his judges were deterred from pronouncing any sentence against him; and their commission soon after terminated by the death of the Pope, March 27, A. D. 1378.<sup>58</sup>

It is very difficult to discover with certainty and precision, what were the real sentiments, in some particulars, of this illustrious champion of truth and liberty, against the errors and tyranny of the church of Rome; because he seems, in some

His doctrines.

<sup>57</sup> Walsing. p. 201 — 204.

<sup>58</sup> Id. p. 205.

Cent. XIV.

things, to have changed his mind ; and because certain tenets were imputed to him by his adversaries which he did not hold. It is not possible, for example, to believe that so wise and good a man as Wickliff could maintain so impious an absurdity as this, " That God ought to obey the " devil ;" and yet this was imputed to him by his enemies<sup>59</sup>. Upon the whole, it very plainly appears from his writings, that the doctrines which he taught were very nearly the same with those which were propagated by our more successful reformers in the sixteenth century.

Council of  
London  
under  
Archbishop  
Courtney.

The prosecution against Dr. Wickliff was suspended for some time, by the schism in the papacy which succeeded the death of Gregory XI. and by the insurrection of the commons in England, which threw all things into confusion. In this tumult, Archbishop Sudbury, one of his most zealous adversaries, was beheaded by the insurgents on Tower-hill, June 14. A.D. 1381. William Courtney Bishop of London, was promoted to the primacy by a bull of Pope Urban VI. (who had been acknowledged in England to be the lawful pope), dated the 8th September the same year<sup>60</sup>. As soon as the insurrection of the commons was quelled, and the public tranquillity restored, the new primate applied with great zeal to the suppression of the heretical opinions (as he esteemed them) which were propagated by Wickliff and his followers. With this view, he assembled a council

<sup>59</sup> Hen. Knyghton, col. 2648.

<sup>60</sup> Anglia Sacra, t. 2. p. 121.

of the bishops of his province, and many doctors of divinity, and of the civil and canon law, in the priory of the preaching friars, London, May 17. A.D. 1382. Before this council he laid twenty-four opinions, extracted from the writings of Wickliff, for their examination; and the council unanimously declared ten of these opinions heretical, and fourteen of them erroneous. Several suspected persons were then brought before the council, particularly Nicholas Hereford and Philip Rapyngdon, doctors in divinity, and John Ayshton, A.M., and commanded to declare their sentiments of these opinions. Their declarations appearing to the council evasive and unsatisfactory, they were pronounced to be convicted of heresy<sup>61</sup>. The ancient historian Henry Knyghton relates, that Dr. Wickliff was brought before this council, and that he made a kind of recantation of his heretical opinions<sup>62</sup>. But as nothing of this appears in the record, it is probably a mistake, if not a calumny. On the day after the conclusion of this council, there was a solemn procession in London; after which Dr. Kyngham, a Carmelite friar, preached to the people, and published the doctrines which had been condemned; declaring, That all persons who taught, favoured, or believed any of these doctrines, were excommunicated heretics<sup>63</sup>. To give the greater weight to the decrees of this council, the clergy prevailed upon the King to

Cent. XIV.

<sup>61</sup> Spelman. Concil. tom. 2. p. 629—636.<sup>62</sup> H. Knyghton. col. 2649.<sup>63</sup> Id. col. 2652.

**Cent. XIV.** publish a proclamation, July 12., authorising and commanding the bishops to seize and imprison all persons who are suspected of holding any of the doctrines which had been condemned.<sup>64</sup>

The doctrines of Wickliff had for some years made a mighty noise in the university of Oxford, where they were first published, and where they had many violent opposers, and many zealous advocates. Dr. Berton, who was chancellor of the university A.D. 1381., and Dr. Stokes, were at the head of the former; and Dr. Hereford and Dr. Rapyngdon at the head of the latter. The Archbishop of Canterbury sent the decrees of his late council to Oxford, commanding Dr. Stokes to publish them at St. Frideswyde's church, on Corpus-Christi day; and Dr. Rigge, the chancellor of the university, to assist and protect him in performing that office. Dr. Philip Rapyngdon had been appointed to preach at that church on that day, and declaimed with great vehemence against the corruptions of the church, and in defence of the doctrines of Wickliff; and his sermon was heard with approbation. But when Dr. Stokes attempted to publish the decrees of the council of London, he was interrupted with clamours and reproaches; which obliged him to desist, without having received any countenance or protection from the chancellor or proctors, who were secret favourers of the new opinions. For this negligence they were summoned to appear before Archbishop Courtney, who treated

<sup>64</sup> Spelman. Concil. tom. 2. p. 628.

them very roughly, and by threats prevailed upon them to return to Oxford, and to publish the decrees of the council of London, both in Latin and English, first in St. Mary's church, and afterwards in the schools.<sup>65</sup> Cent. XIV.

While the doctrines of Wickliff were propagated and opposed with so much zeal, at Oxford and other places, he (being in a declining state of health) resided, during the two last years of his life, at his living of Lutterworth in Leicestershire, employed in finishing his translation of the Bible, and other works. Being seized with a stroke of the palsy, which deprived him of his speech, December 28. A.D. 1384., he expired on the last day of that year. As the clergy had hated and persecuted him with great violence during his life, they exulted with indecent joy at his disease and death, ascribing them to the immediate vengeance of heaven for his heresy. "On the day of St. Thomas the Martyr, Archbishop of Canterbury (says Walsingham, a contemporary historian), that limb of the devil, enemy of the church, deceiver of the people, idol of heretics, mirror of hypocrites, author of schism, fower of hatred, and inventor of lies, John Wickliff, was, by the immediate judgment of God, suddenly struck with a palsy, which seized all the members of his body, when he was ready (as they say) to vomit forth his blasphemies against the blessed St. Thomas, in a sermon which he had prepared to preach

Death of  
Wickliff.

<sup>65</sup> A. Wood, Hist. Oxon. p. 190—192.

**Cent. XIV.** “that day<sup>66</sup>.” But these reproaches do honour to his memory, as they were brought upon him by his vigorous efforts to deliver his countrymen from the errors, superstitions, and extortions, of the church of Rome.

Great success of the preachers of his doctrines.

Though the joy of the clergy at the death of Dr. Wickliff was very great, it was not of long duration. They soon found, that his doctrines had not died with him, but were propagated with great zeal, and no little success, by his followers, who were commonly called *Lollards*<sup>67</sup>. Many of those who were preachers travelled up and down the country on foot, in a very plain dress, declaiming with great vehemence against the corruptions of the church and the vices of the clergy. These preachers were not only admired and followed by the common people, but were favoured and protected by several persons of high rank and great power, particularly by the Duke of Lancaster, the Lords Percy, Latimer, Clifford, Hilton, and others<sup>68</sup>. By the zeal, activity, and eloquence, of the preachers, under the protection of these great men, the new doctrines, as they were called, gained ground so fast, that, as a contemporary historian of the best credit affirms, “more than one half of the people of England, in a few years, became Lollards<sup>69</sup>.” The same historian, who was a clergyman, and a most inveterate enemy

<sup>66</sup> T. Walsing. Hist. Angl. p. 312.

<sup>67</sup> Hen. Knyghton. col. 2663.

<sup>68</sup> Id. col. 2664.

<sup>69</sup> Id. col. 2661.



to the Lollards, acknowledges, that as Wickliff Cent. XIV.  
 excelled all the learned men of his age in disputa-  
 tion, so some of his followers, in a very little time,  
 became very eloquent preachers, and very power-  
 ful disputants ; which he ascribes to the assistance  
 of the devil, who, he says, took possession of  
 them as soon as they became Lollards.<sup>70</sup>

The clergy, alarmed and enraged at this rapid  
 progress of the new opinions, attempted to put a  
 stop to it by violence and persecution, which have  
 been often employed by power against truth.  
 They procured, or at least promulgated, a statute  
 which still appears in our statute-book (though  
 the commons, it is said, never gave their assent  
 to it), empowering and commanding all sheriffs to  
 seize and imprison all preachers of heresy<sup>71</sup>. They  
 also prevailed upon the King, A.D. 1387., to grant  
 a commission to certain persons to seize all the  
 books and writings of John Wickliff, Nicolas  
 Hereford, John Ayshton, and other heretical  
 writers, and to imprison all who transcribed, sold,  
 bought, or concealed such books<sup>72</sup>. By these  
 methods, the clergy hoped to interrupt the preach-  
 ing and writing of the reforming teachers, by  
 which they chiefly propagated their opinions.  
 But the contemporary historian Knyghton ob-  
 serves, with regret, “ that these laws and edicts  
 “ were but slowly and faintly executed, because  
 “ the time of correction was not yet come.”<sup>73</sup>

<sup>70</sup> H. Knyghton, col. 2664.

<sup>71</sup> Ruffhead's Statutes at Large, vol. 1. p. 358.

<sup>72</sup> H. Knyghton, col. 2708, 2709.

<sup>73</sup> Id. col. 2708.

Though

Cent. XIV.

Several  
persons  
tried for  
heresy.

Though the violent factions amongst the nobility, and the general animosity of the laity against the clergy, on account of their excessive power and riches, prevented for a time the rigorous execution of the penal statutes against heretics; several persons were apprehended and tried upon these statutes. Some of them, as particularly Hereford, Aylston, and Rapyngdon, who had been the most zealous propagators of Wickliff's doctrines, were, by threats and promises, prevailed upon to make a kind of recantation, and to desist from preaching these doctrines<sup>74</sup>. Others escaped with slight censures, by giving artful, evasive explanations of their tenets. In general it may be observed, that the followers of Wickliff were not very ambitious of the crown of martyrdom, and none of them were capitally punished in the reign of Richard II.<sup>75</sup>

Statute of  
premunire.

In spite of all the laws that had been made in England against the tyrannical usurpations of the court of Rome, they still continued, or rather increased. When a clerk had obtained a sentence in favour of his presentation to a church in the king's court, and the bishop of the diocese had inducted him in consequence of that sentence, it was usual for the Pope, on the complaint of the losing party, to excommunicate the bishop. When an English bishop had by any means offended His Holiness, he sometimes punished him by translating him to a foreign see, without his own consent, or that of

<sup>74</sup> H. Knyghton, col. 2657, &c.

<sup>75</sup> Fox's Acts and Monuments, p. 436.

the King. Upon a complaint of these papal usurpations by the commons, in a parliament at Winchester, A.D. 1392., a very severe law was made for the punishment of those who solicited, or brought into the kingdom, any papal bulls of excommunication, translation, or other thing against the rights and dignity of the crown.<sup>76</sup> Cent. XIV.

These contests between the King and parliament of England and the court of Rome, encouraged the Lollards to make bold and direct attacks on the established church. Accordingly, they presented to a parliament which was held by the Duke of York (the King being in Ireland), at Westminster, A. D. 1394., a remonstrance containing twelve articles of complaint against the church and clergy, praying for redress and reformation. In this remonstrance, they complain chiefly of the exorbitant power, excessive wealth, and profligate lives of the clergy, which last they ascribe chiefly to their vows of celibacy; — of transubstantiation, and the superstitious practices which the belief of it produced; — of prayers for the dead; — of the worship of images; — of pilgrimages; — of auricular confession and its consequences; — and of several other particulars in which the present protestant churches differ from the church of Rome<sup>77</sup>. What reception this remonstrance met with from the parliament we are not informed. About the same time the Lollards

Remonstrance of the Lollards to parliament.

<sup>76</sup> Ruffhead's Statutes, vol. i. p. 406.

<sup>77</sup> Collier's Ecclesiastical Hist. vol. i. p. 598.

**Cent. XIV.** published several satirical papers, painting the deceitful arts, abominable vices, and absurd opinions, of the clergy, in very strong colours; which excited both the contempt and hatred of the people against them. Some of these papers, written with much asperity, and no little wit, were pasted upon the most public places in London and Westminster.<sup>18</sup>

**The King**  
returns  
from Ire-  
land to pro-  
tect the  
church.

The clergy were so much alarmed at these bold attacks, that they dispatched the Archbishop of York, the Bishop of London, and several other commissioners, to the King in Ireland, to entreat him to return immediately into England, to protect the church, which was in danger of destruction. "As soon (says a contemporary historian) as the King heard the representation of the commissioners, being inspired with the Divine Spirit, he hastened into England, thinking it more necessary to defend the church than to conquer kingdoms."<sup>19</sup> On his arrival, he called before him the Lords Clifford, Latimer, Montague, and other great men who favoured the Lollards, and threatened them with immediate death, if they gave any further encouragement to heretical preachers. Intimidated by these threats, they complied with the King's desire, and withdrew their protection.

Several of the Lollard preachers, discouraged by this defection of their patrons, soon after recanted their opinions, and returned into the bosom of

<sup>18</sup> Fox's Acts and Monuments, p. 462, &c. T. Walsing. p. 351.

<sup>19</sup> T. Walsingham, p. 351.

the church. Thomas Arundel Archbishop of York, Cent. XIV.  
 who was a most violent enemy to the Lollards, obliged those in his province who recanted to take the following curious oath, which I shall give in the original language and spelling: "I —, before you, worshipful fader and lord archbishop of Yhork, and your clergy, with my free will and full avyfed, fwere to God and to all his seyntes, upon this holy gospel, that fro this day forthword, I shall worship images, with praying and offering unto them, in the worship of the saints, that they be made after; and also, I shall never more despise pylgremage; ne states of holy chyrche, in no degre. And also I shall be buxum to the laws of holy chyrche, and to yhowe, as to myn archbishop, and myn other ordinaries and curates, and keep the-laws up my power and meyntein them. And also, I shall never more meyntein, ne techen, ne defenden, errors, conclusions, ne techeng of the Lollards ne fwych conclusions and techengs that men clopeth Lollards doctrine; ne shall her books, ne fwych books, ne hem or ony suspect or difamed of Lollardary, receyve or company with all, willingly, or defend in tho matters; and if I know any fwych, I shall, with all the hast that I may, do yhowe, or els your nex officers, to wyten, and of ther bokes," &c."

When the affairs of the church were in this posture, and that reformation which had been Archbishop  
Arundel  
banished.

" Collier's Ecclesiastical Hist. vol. 1. p. 559.

begun

**Cent. XIV.** begun by Doctor Wickliff had received this severe check, William Courtney Archbishop of Canterbury died, July 31. A.D. 1396., and was succeeded by Thomas Arundel, Archbishop of York. As this prelate had long been the most active adversary of the Lollards, he soon discovered, by his conduct, that he designed to employ against them all the additional power he had acquired by his promotion to the primacy<sup>81</sup>. But before he had time to execute this design, he was involved in troubles which deprived him of all his power. These troubles proceeded from his having been one of that party of the nobles and clergy, which A.D. 1586. obtained a commission from parliament, investing them with the whole power of the state. By one of those revolutions which are not uncommon in the English history, that party were now overturned, and prosecuted with great severity, for obtaining and executing that commission. The Archbishop, and his brother the Earl of Arundel, were tried by their peers in parliament, in September A. D. 1397., and found guilty of high treason; in consequence of which the Earl was beheaded, and the Archbishop deprived and banished.<sup>82</sup>

Roger  
Walden  
primate.

After the departure of Archbishop Arundel out of the kingdom, Roger Walden, treasurer of England, was promoted to the primacy, and installed March 25. A. D. 1398.<sup>83</sup> The Pope having

<sup>81</sup> A. Wood, Hist. Univerf. Oxon. p. 199.

<sup>82</sup> Parliament. Hist. vol. x. p. 464, &c. <sup>83</sup> T. Walsing. p. 354.

gratified

gratified the King, by withdrawing his favour from Arundel, consenting to the promotion of Walden, and granting a bull confirming all the transactions of the late parliament, thought it a proper time to apply for the repeal of the statutes of provisors and premunire, which set some bounds to his power in England. To solicit this affair, he sent a legate to the King, who was received with great respect, and loaded with presents, but could not obtain the repeal of the offensive statutes<sup>44</sup>. The ecclesiastical transactions of Archbishop Walden are not well known, and could not be very important; for those troubles which commenced A.D. 1399. terminated in his deprivation, and the restoration of the exiled primate, before the end of that year.

Cent. XIV.

THE history of the church of Scotland in the fourteenth century hath been ill preserved, owing to the unsettled and unhappy state of that country in that period. William Frazer Bishop of St. Andrew's having died in France, A.D. 1297., he was succeeded by William Lamberton parson of Campsie, and chancellor of the church of Glasgow. The Pope sent a bull to all the bishops of Scotland, A.D. 1302., complaining that they stirred up the people under their charge to war against the King of England; and commanding them to promote peace<sup>45</sup>. This papal mandate was little regarded by the Scotch prelates, particularly by those of St. Andrew's and Glasgow, who,

History of  
the church  
of Scot-  
land.<sup>44</sup> T. Walsing. p. 356.<sup>45</sup> Rymer. Fœd. t. 2. p. 905.

Cent. XIV.

having been taken, were committed to prison by Edward I. A.D. 1306.<sup>86</sup> That prince complained to the Pope of these two bishops, accusing them of having stirred up the people of Scotland to rebel against him<sup>87</sup>. After Bishop Lamberton had been confined in England above two years, having taken an oath of fealty to Edward II. he was set at liberty, and returned into Scotland, A.D. 1308.<sup>88</sup> This prelate seems to have paid no regard to the oath of fealty which he had taken to the King of England, after he was set at liberty; for he presided in a general assembly of the bishops, abbots, priors, and clergy, of Scotland, in which the right of King Robert Bruce to the crown was asserted in the strongest terms, at Dundee, 24th February A.D. 1309.<sup>89</sup> Towards the end of that year we find him employed, at the abbey of Holyroodhouse, near Edinburgh, in collecting evidence against the knights-templars, in conjunction with John de Soleres, the Pope's legate<sup>90</sup>. Not long after this he seems to have returned to the party, and to have regained the favour, of the King of England. For that prince wrote a letter to the Pope, dated at Berwick, 24th July A.D. 1311., earnestly intreating His Holiness not to insist on the attendance of William Bishop of St. Andrew's in the council of Vienne, because the residence of that prelate in Scotland was absolutely necessary to support his

<sup>86</sup> Rymer. Fed. t. 2. p. 1016.<sup>87</sup> Id. ibid.<sup>88</sup> Id. vol. 3. p. 118, 119.<sup>89</sup> Wilkin. Concil. t. 2. p. 302, &c.<sup>90</sup> Id. ibid. p. 380.



authority in that country<sup>91</sup>. Bishop Lamberton Cent. XIV.  
 continued in the English interest till after the  
 battle of Bannockburn, and the firm establish-  
 ment of Robert Bruce on the throne of Scotland,  
 when he made his peace with that prince. This  
 excited the most violent resentment in King  
 Edward, who wrote a letter to the Pope, dated  
 at Westminster, July 1. A. D. 1318., in which he  
 painted the Bishop of St. Andrew's in the blackest  
 colours, as an impious traitor, who had violated  
 the most solemn oaths<sup>92</sup>. This prelate was a  
 benefactor to his see, built several churches,  
 finished and consecrated his cathedral, and died  
 A. D. 1328.<sup>93</sup>

Robert Wishart, Bishop of Glasgow from Wishart  
Bishop of  
Glasgow.  
 A. D. 1272. to A. D. 1316., was a more steady  
 patriot, and more zealous assertor of the inde-  
 pendency of his country, than his brother and  
 contemporary Bishop Lamberton. This involved  
 him in many troubles, particularly a long im-  
 prisonment in England, from which he was not  
 delivered till after the battle of Bannockburn,  
 when he was exchanged for some of the English  
 nobles taken in that action.<sup>94</sup>

James Bennet, or Bane, Archdeacon of St. Bishop  
Bane.  
 Andrew's, succeeded Bishop Lamberton in the  
 primacy of Scotland; and being in that high  
 station, he crowned David II. A. D. 1329.  
 When Edward Baliol recovered the crown of

<sup>91</sup> Rymeri Fœd. t. 3. p. 274.<sup>92</sup> Id. ibid. p. 710.<sup>93</sup> Keith's Catalogue of the Bishops of Scotland, p. 15.<sup>94</sup> Rymeri Fœd. t. 3. p. 489.

**Cent. XIV.** Scotland, this prelate continued faithful to King David, and retired into Flanders, where he died, at Bruges, 22d September A. D. 1332.<sup>95</sup>

**Bishop  
Landells.**

The public affairs of Scotland being very unsettled at this time, and a dispute having arisen about the succession of the see of St. Andrew's, it continued vacant about nine years, when William Landells, provost of Kinkell, was promoted to it, and consecrated by the Pope at Avignon A.D. 1341. This prelate enjoyed his promotion no less than forty-four years; and having a good paternal estate, he lived with great magnificence and hospitality<sup>96</sup>. He appears to have been much engaged in the civil and political transactions of those turbulent times in which he flourished; and in particular he was the first commissioner for Scotland in the tedious negotiations for the delivery of King David II. from his captivity in England<sup>97</sup>. Bishop Landells procured for himself and the clergy of Scotland the privilege of disposing of their personal estates by testament; which, it seems, they had not enjoyed before his time<sup>98</sup>. He died at St. Andrew's, 15th October A. D. 1385.<sup>99</sup>

**Stephen.**

Stephen de Pay, Prior of St. Andrew's, was elected to be bishop of that see; but being taken prisoner by the English in his passage to the

<sup>95</sup> Keith's Catalogue, p. 15.

<sup>96</sup> Id. p. 16.

<sup>97</sup> Rymeri Fœd. t. 8. p. 682. 711. 726.

<sup>98</sup> Spottiswoode, p. 55.

<sup>99</sup> Fordun, t. 1. p. 264.

papal

papal court, he died at Alnwick, in March Cent. XIV.  
A. D. 1386.<sup>100</sup>

Robert Trail, doctor of the civil and canon Bishop  
Trail.  
laws, was promoted to the primacy of Scotland by the Pope, who paid him some very high, but not unmerited, compliments on that occasion. This prelate had the chief direction both of the civil and ecclesiastical affairs of the kingdom, which he conducted with equal wisdom and felicity. He was so rigid and severe (says a contemporary historian) in the exercise of church-discipline, that no clergyman in his diocese dared to keep a concubine publicly<sup>101</sup>. He built the castle of St. Andrew's, in which he died A. D. 1401.

There were twelve bishoprics in Scotland in this period, besides that of St. Andrew's; which were those of Glasgow, Dunkeld, Aberdeen, Moray, Brechin, Dunblane, Ross, Caithness, Orkney, Galloway, Argyle, and the isles. But a particular detail of the several prelates of these sees would be more tedious than instructive.<sup>102</sup>

The doctrines of Wickliff, which made so much noise in England, seem to have been little known or regarded in Scotland in the fourteenth century. This was probably owing to the violent animosities and frequent wars which then subsisted between these two kingdoms.

<sup>100</sup> Keith's Catalogue, p. 17.

<sup>101</sup> Fordun, t. 1. p. 364.

<sup>102</sup> See Keith's Catalogue of the Bishops of the several Sees within Scotland.



THE  
HISTORY  
OF  
GREAT BRITAIN.

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BOOK IV.

CHAP. III.

*History of the Constitution, Government, and  
Laws of Great Britain, from the death of  
King John, A. D. 1216., to the accession of  
Henry IV. A. D. 1399.*

THE constitution, government, and laws of <sup>Various</sup> Britain have been formed upon various <sup>plans of</sup> plans, and have passed through various changes, <sup>government.</sup> in their progress towards that high degree of excellence and stability to which they have happily attained. The plans of the British, Roman, Saxon, and Norman governments have been delineated, and a general view of their several systems of laws

and political arrangements hath been given in the former volumes of this work. <sup>1</sup>

General  
plan of the  
constitution the  
same in  
this as in  
the former  
period.

That plan of government and system of laws commonly called the *feudal system*, which was established in England by the Normans, soon after their settlement in that part of this island, and gradually introduced into the other British states, continued to form the political constitution of all these states through the whole of our present period; but not without various changes, in its several parts. Some of these changes, produced by faction and party-rage, were very great, but of short duration; others, which were the result of experience, and of the change of circumstances, were not so violent, but more permanent. Referring the reader to the third chapter of the third book of this work, for the general plan of the Anglo-Norman constitution, government, and laws, both at their first introduction, and as they stood at the conclusion of the former period, I shall endeavour in this chapter to point out the principal changes that were made in these important objects in the course of our present period. In doing this, the greatest sincerity, brevity, and plainness, shall be studied.

<sup>1</sup> See vol. 1. p. 222—262; vol. 3. p. 292—429; vol. 6. p. 1—86.

## SECTION I.

*Changes in the Constitution, Government, and Laws of Britain, in the reign of Henry III. from A. D. 1216. to A. D. 1272.*

**T**HE Great Charter granted by King John towards the conclusion of the former period, contains a very distinct and authentic plan of the English constitution, as it stood at that time; at least in speculation. As soon as this great charter was obtained, it became the idol of the people of England, who esteemed it the great security of their most valuable rights and liberties. But it was not viewed with the same favourable eyes by those who had the administration of government in their hands, who were very backward in executing its most important articles. This produced frequent and earnest cries for the execution and confirmation of that famous charter; and these cries were effectual when the King and his ministers stood in particular need of the favour and assistance of the people, who commonly paid for these confirmations by liberal grants of money. Accordingly, the Great Charter was confirmed (with some variations occasioned by the change of circumstances) no less than seven times in the reign of Henry III., and some of these confirmations were attended with very great solemnities.

History of  
the Great  
Charters.

ties<sup>3</sup>. In the second year of this reign, A.D. 1217., the articles respecting the royal forests were left out of the Great Charter, which was then confirmed, and formed into a separate charter, called *Charta de Foresta*; and these two charters after this were always separated<sup>4</sup>. It would be tedious to give a minute detail of all the variations of the Great Charters of Henry III. from that of King John; but the reader may satisfy himself on this subject, by comparing the charters granted by Henry III., A.D. 1214., inserted in the Appendix to this volume, with that granted by King John, in the Appendix at the end of the sixth volume.<sup>5</sup>

Some changes were made in the ranks and orders of men in society, in the reign of Henry III. Those in the lowest rank were still in the same wretched state of servitude as formerly. Of this we have sufficient evidence in the Great Charters of that prince, in which those who had the custody of the estates of minors are prohibited from destroying or wasting the men or cattle upon these estates, placing both on the same footing<sup>6</sup>. According to Bracton the famous lawyer, who flourished in this reign, all the goods a slave required belonged to his master, who might take them from him whenever he pleased<sup>6</sup>. Slaves were still an article of commerce, even in the

<sup>3</sup> See Judge Blackstone's most accurate History of the Charters, in his Law-tracts, vol. 2. p. 43—91.

<sup>4</sup> Id. ibid. p. 63.

<sup>5</sup> Append. No. 1.

<sup>6</sup> Append. No. 1, 2.

<sup>6</sup> Bracton, l. 1. c. 9. p. 6.



next reign. "In the same year, 1283. (say the "annals of Dunstable), we sold our slave by birth, "William Pyke, and all his family, and received "one mark from the buyer." But there were different orders of slaves, and different degrees of servitude, in this, as well as in the preceding period. The next rank in society consisted of farmers, mechanics, and traders who were free men, but were either not proprietors of land, or only of small parcels. The yeomanry and capital burghesses in great towns, considered themselves as of a rank superior to the former. The distinction between the nobility and gentry began to be conspicuous in this reign. Anciently, all who held of the crown *in capite* were esteemed noble, and formed one order; but the great inequality of the power and wealth among the members of this order, laid the foundation of a division of them into the greater and smaller barons. This division became plain, when they began to be summoned to parliament in different ways, the greater barons by a particular summons directed to each of them, and the smaller by a general summons to those in each county. But even after this, they for some time formed only one assembly, and, mingled together as persons of the same rank, when they appeared in parliament. The division became more conspicuous after the establishment of the house of commons, when the smaller barons and free-

<sup>7</sup> Annal. Dunstap. an. 1283.

<sup>8</sup> Bracton, p. 7.

holders no longer mingled with the greater and were no longer their peers, nor appeared in parliament each in his own right, but only as representatives.

Constitution of parliament at the end of the last period.

Nothing can be better ascertained, or more clearly defined, than the constitution of the parliament of England when the Great Charter was granted by King John at the end of our last period. The members who composed that assembly, the manner in which they were summoned, with several other particulars, are thus described in that charter: "To have a common council  
 " of the kingdom, to assess and aid, otherwise  
 " than in the three foresaid cases, or to assess a  
 " scutage, we will cause to be summoned the  
 " archbishops, bishops, earls, and greater barons,  
 " personally, by our letters; and besides we will  
 " cause to be summoned in general by our sheriffs and bailiffs, all those who hold of us in  
 " chief, to a certain day, at the distance of forty  
 " days at least, and to a certain place; and in all  
 " the letters of summons, we will express the  
 " cause of the summons; and the summons being thus made, the business shall go on at the  
 " day appointed, according to the advice of  
 " those who shall be present, although all who  
 " had been summoned have not come."

No change seems to have been made in the constitution of the parliament of England in the former part of the reign of Henry III., as appears

\* See vol. 6. Append. No. 1. p. 384. No. 2. p. 391.

from

from the descriptions given of these assemblies by Matthew Paris, the best contemporary historian<sup>10</sup>. It would be tedious to introduce all these descriptions, which (though they differ a little in words, some of them being more general, others more particular) are all to the same import. When the members are described in general, it is commonly in such words as these :—*Magnates Angliæ, tam laici quam prelati*.—"The great men of England, both of the laity and clergy". The following is the most particular description of the members of a parliament (held at London A.D. 1257.) to be found in this historian : "The King immediately sent his royal writs into all parts of England, summoning all concerned in the kingdom of England, viz. all archbishops, bishops, abbots, installed priors, earls, barons, and all others without omission<sup>11</sup>." By this last expression, *all others without omission*, we are certainly to understand those who are thus described in the Great Charter, *all those who hold of us in chief*, who were summoned in general by the sheriffs. For all the members of this parliament are afterwards called *magnates et nobiles*, "great men and nobles," of whom, the historian says, "an infinite multitude came to London<sup>12</sup>." The members of a parliament which met at Westminster A.D. 1244., are thus described :—"The Archbishop of York, and all

<sup>10</sup> Mat. Paris, p. 219. col. 1. p. 223. col. 1. p. 252. col. 2. p. 256. col. 1. p. 293. col. 2.

<sup>11</sup> Id. p. 256. col. 1. p. 254. col. 2.

<sup>12</sup> Id. p. 297. col. 2.

<sup>13</sup> Id. *ibid*.

" the

“ the bishops, abbots, and priors of England, by themselves, or their procurators, and also all the earls, and almost all the barons of England.”<sup>14</sup>

Change in  
the consti-  
tution of  
parliament.

The great councils of the kingdom seem to have been constituted according to the plan in the great charter, till the mad parliament, as it was called, which met at Oxford, June 11, A.D. 1258., made a violent change of this, as well as in every other part of the constitution. That party of the barons, headed by Simon de Montfort Earl of Leicester, which had long opposed the court, came to this parliament armed, and attended by such numerous retinues, that they were completely masters of the field, and compelled the King to consent to every thing they proposed. Twenty-four great men were invested with authority, — to name the King's council, the great officers of the crown, and the governors of the royal castles, — to regulate the King's household, to manage his revenue, — to make laws, — and, in a word, to do almost whatever they pleased<sup>15</sup>. One of the first acts of these twenty-four dictators was a decree, that there should be three parliaments every year, one in February, one in June and one in October. But these parliaments were to be constituted in a very extraordinary manner, and were to consist only of the members of the King's council, fifteen in number, and twelve barons chosen to represent the whole community. These

<sup>14</sup> Mat. Paris, p. 393. col. 2.

<sup>15</sup> Annal. Monast. Burnet, p. 407—413.

twelve barons were accordingly chosen by the parliament at Oxford to represent the community in future parliaments; and the record of their election may be thus translated: "These are the twelve which are chosen by the barons to treat at the three parliaments in a year, with the King's council, for all the community of the land, on public business; the Bishop of London, the Earl of Winchester, the Earl of Hereford, Philip Basset, John de Baliol, John de Verdun, John de Gray, Roger de Sumery, Roger de Montalt, Hugh Despenser, Thomas de Gresley, Egidius de Argenton<sup>16</sup>." Whether there were parliaments on this plan in October, A.D. 1258., and in February and June in the year following, is uncertain; but it appears that there was one in October A.D. 1259., by which the famous provisions of Oxford, made by the twenty-four barons, were confirmed; for to these provisions or decrees the following confirmation is subjoined: "These are the provisions and decrees made at Westminster after Michaelmas, by the King and his council, and the twelve chosen by the assent of the whole community of England, which were then at Westminster, in the year of the reign of Henry the son of John the fortieth and third<sup>17</sup>." The ostensible reason of this great innovation was, to relieve the community or body of those who had formerly been bound to come to parliaments from the expence and trouble of personal at-

<sup>16</sup> Anal. Monast. Burton, p. 414.

<sup>17</sup> Id. p. 435.

tendance;

tendance; but the real object of it unquestionably was, to perpetuate the power of the Earl of Leicester and his party.

Another change in the constitution of parliament.

The above plan of a parliament could not fail to be unpopular, as it excluded all the small and many of the great barons from the public councils, under the specious pretence of relieving them from expence and trouble. It was therefore soon laid aside, and another of a more comprehensive nature, and nearer to the ancient model, substituted in its place, by the same party. After the Earl of Leicester and his partisans had obtained the victory in the battle of Lewes, May 14. A.D. 1264., and had got the King, Prince Edward, Richard King of the Romans, and his son Henry, into their hands, they were at great pains to obtain the public approbation of their schemes for establishing their own power on the ruins of the royal authority. With this view they obliged the King to call a parliament, constituted in a different manner from that prescribed in the Great Charter, or in their own former plan. To this famous parliament, which was to meet at London January 20. A.D. 1265., only eleven bishops, five earls, and eighteen great barons, all of the predominant party, were summoned by particular writs<sup>18</sup>. But to supply the places of the prelates, earls, and barons, of the royal party, who were not summoned, particular writs were directed to sixty-four abbots, thirty-seven priors, and five deans<sup>19</sup>. This very re-

<sup>18</sup> Dugdale's Summons to Parliament, p. 1, 2.

<sup>19</sup> Id. p. 2, 3.

markable circumstance was probably owing to the high degree of favour in which the Earl of Leicester stood with the clergy, who considered him as a saint and champion of the church<sup>20</sup>. Writs were also sent to all the sheriffs in England, commanding them to cause two of the most discreet knights of each county to come to this parliament. Similar writs were directed to the citizens of several cities, and burghesses of several burghs, requiring each city to send two of its most discreet and honest citizens, and each burgh two of its most wise and upright burghesses<sup>21</sup>. Each of the cinque-ports was commanded to send two of its barons. In what manner these knights, citizens, burghesses, and barons, of the cinque-ports, were chosen, we have no account. But as they appeared as the representatives of those by whom they were sent, their expences were to be borne by their constituents<sup>22</sup>. We have no hint in any of our historians, that this parliament was divided into two houses. With whatever views this plan was formed, it was a near and happy approach to that system which hath been established in England above five hundred years: a degree of antiquity to which few political arrangements can pretend.

Though Henry III. was certainly neither a <sup>Statute</sup> very great nor wise king, several good laws were <sup>law.</sup> made in his reign, which are still in force, and

<sup>20</sup> Chron. Melros, p. 228.

<sup>21</sup> Dugdale, p. 3.

<sup>22</sup> Brady's Introduction, &c. p. 140, 141.

have

have a place in the statute-book. By one of these statutes made at Merton A.D. 1236., a controversy concerning bastardy, which had long subsisted between the ecclesiastical and civil courts, was finally determined. By the Roman and canon laws, the subsequent marriage of the parents legitimated the children which had been born before that marriage; but by the ancient customs and common laws of England, all children born out of wedlock were still reputed bastards, though their parents afterwards married. All the prelates in the parliament at Merton most earnestly insisted to have the regulation of the canon law, in this particular, adopted into the law of England; but all the temporal barons replied with one voice, "We will not suffer the ancient and approved laws of England to be changed". By another statute made in the parliament of Merton, it is enacted; "That lords who married their wards, before they were fourteen years of age, to villains, or burgeses, to their disparagement, should lose the wardship of their lands": a proof of the contemptible light in which burgeses appeared to the haughty barons of those days, and even to their vassals. The statutes concerning the exchequer, which were made A.D. 1266., are remarkable in several respects. They are the first of our statutes in the French language. This might perhaps be owing to the predilection of the

<sup>23</sup> Ruffhead's Statutes, vol. 1. p. 19. Barrington's Observations on the Statutes, p. 39.

<sup>24</sup> Statutes, vol. 1. p. 18.

persons



persons who drew up those statutes for that language ; which was much better and more generally understood in England at this time than the Latin, in which all the preceding statutes had been penned. By the first statute of the exchequer, several very humane and equitable regulations are made for preventing too great severities in collecting the royal revenues. In particular, it is provided, that no man's sheep, or his beasts, which are necessary for the cultivation of his lands, shall be distrained for the king's debt, or for the debt of any other man<sup>25</sup> ; a laudable attention in the legislature to the promoting of agriculture. The second statute of the exchequer contains several prudent regulations concerning the terms and methods of accounting at the exchequer, and for preventing the king from being defrauded of his revenues, or imposed upon in the prices of work done, or things provided for his use<sup>26</sup>. The prices of the important articles of bread and ale had been settled by very ancient statutes, in proportion to the prices of grain, to prevent the impositions of bakers and brewers. These laws were confirmed and enforced by the statute of the pillory and tumbrel, which was made in a parliament at Winchester, A.D. 1266. ; by which, bakers who frequently offended were to be punished by the pillory, and brewers (who were all women) by the tumbrel, or ducking-stool<sup>27</sup>. In the same statute, many wise regulations are made, — for ascertain-

<sup>25</sup> Statutes, vol. i. p. 24.

<sup>26</sup> Id. ibid. p. 25—28.

<sup>27</sup> Id. ibid. p. 28. Barrington's Observations, p. 42.

ing the prices of grain, — for examining weights and measures, — for preventing the sale of unwholesome meats and liquors, — and for restraining various arts of imposing upon the people, and raising the prices of provisions. The last statutes in this long reign were made in a parliament at Marlborough, A. D. 1267., after the restoration of the royal authority by the victory at Evesham, and were intended to put a stop to many disorders which had prevailed in the late times of anarchy and confusion. These statutes consist of twenty-nine chapters, and contain several good laws, — for restraining the tyranny of the great barons, by facilitating appeals from their courts to those of the king, — for preventing cruelty in taking distresses; and on some other subjects. By the twenty-third chapter, farmers are prohibited from making waste or sale of the woods or men upon their farms, without special licence in writing<sup>28</sup>. In a word, it cannot be denied, that Henry III. appears to greater advantage as a legislator than in any other point of view.<sup>29</sup>

Common  
law.

The common as well as the statute law of England received considerable improvements in the reign of Henry III. This will appear evident even from a cursory comparison of the treatise of Glanville, who wrote in the reign of Henry II. with that of Bracton, who wrote in this period. This, we are told by the best authority, is no less

<sup>28</sup> Statutes, vol. 1. p. 30—40.

<sup>29</sup> Barrington's Observations, p. 57.

evident from the judicial records in the time of Henry III. which are still extant, and in which the pleadings appear more perfect and orderly than in those of the preceding period<sup>30</sup>. Several circumstances occurred to promote those improvements in the common law at this time;—particularly, the settlement of the court of common pleas at Westminster; the retreat of the clergy, who were great enemies to the common law, both from the bench and from the bar, in obedience to a canon made A.D. 1217.;—the establishment of the law-colleges, the inns of court for the education of common lawyers; the decline of trials by ordeals and single combat, which were now much discountenanced;—and the statute subjecting pleaders to a fine for absurd and foolish pleading.<sup>31</sup>

Henry III. was deprived of almost all the prerogatives of his crown by the parliament at Oxford, A.D. 1258., and allowed to retain little or nothing but the name of king. He even continued in that state of depression and insignificance for several years; during which the kingdom was a scene of the greatest misery, the barons of the different parties burning each others houses, and desolating each others lands. But after the fall of the Earl of Leicester in the battle of Evesham, A.D. 1265., Henry was restored to the exercise of all his former prerogatives and rights, and the country to its former tranquillity and good order.

Royal prerogatives.

<sup>30</sup> Hale's History of the Common Law, ch. 7. p. 156.

<sup>31</sup> Statutes, vol. 1. p. 35. Barrington's Observat. p. 52. Spelman and Wilkin's Concil. c. 1217. Rymer, t. 1. p. 228.

Royal re-  
venues.

The revenues of the crown of England flowed from the same sources in this as in the former period, and, with prudent management were abundantly sufficient for every necessary purpose<sup>31</sup>. But Henry III. was a bad economist, and dissipated these revenues, — by his expeditions into France, — his vain expensive attempt to procure the kingdom of Sicily for his second son Edmund, — and chiefly by his unbounded liberality to his favourites, which involved him in an incredible load of debt, and sunk him into a degree of poverty very unbecoming the royal dignity. This obliged him to make frequent applications to his people in parliament for grants of money that was not due to him by any legal title; which were often refused, and sometimes given. These grants commonly consisted of a tenth, a fifteenth, a twentieth, or some other proportion of the value of their moveable goods. When a tenth or fifteenth was granted by parliament, four knights in each hundred were chosen in the county court of each county, to act as commissioners for ascertaining the value of the moveables of the inhabitants of their respective hundreds; and according to their valuation the tax was to be levied. On these occasions, no value was set on the books of the clergy, the ornaments of churches, the horses and armour of knights, and the implements of husbandry<sup>32</sup>. A

<sup>31</sup> See vol. 6. chap. 3. Madox's History of the Exchequer, chap. 10. 18. p. 202—535. Blackstone's Commentaries, vol. 1. ch. 8.

<sup>32</sup> Antisl Dunstap. vol. 2. p. 434. Dr. Brady's Append.

fifteenth that was granted both by the clergy and laity, A. D. 1225., produced (as we are told by a contemporary historian) 90,000 marks<sup>34</sup>: a very great sum in these times. Henry III. obtained several grants of this kind from his parliaments; but they were commonly given as the price of certain privileges and immunities which they claimed<sup>35</sup>. By this means the improvidence of our princes contributed not a little to improve the constitution; to secure the rights, and establish the liberties of their subjects. The Jews in England, who were very numerous and opulent, were frequently fleeced without mercy, and sometimes mortgaged for the payment of the King's debts<sup>36</sup>. At one time a tallage of no less than sixty thousand marks was imposed upon the Jews, and exacted with great severity.<sup>37</sup>

Upon the whole, though the long reign of Henry III. was unfortunate in several respects, it was not unfavourable to the interests of law and liberty. For in that reign the charters were confirmed; — the statute and common law improved; — the crown, by the great diminution of its hereditary funds, was made more dependent on the people, and the constitution of the parliament was brought nearer to its present model.

THE constitution, government, and laws of Scotland, as far as we are acquainted with them, Government, &c. of Scotland.

<sup>34</sup> M. Paris additamenta.

<sup>35</sup> Parliament. Hist. vol. 1. p. 78.

<sup>36</sup> Rymer, vol. 1. p. 542.

<sup>37</sup> Madox, Hist. Excheq. p. 152.

appear to have been nearly the same with those of England in this period. Alexander II. and his nobles warmly espoused the cause of the English barons, who obtained the great charter from King John, and must therefore have been well acquainted with that famous instrument. The two British nations at no time lived on a more friendly footing than in the reign of Henry III.; owing, in some measure, to the near relation that then subsisted between the two royal families, Alexander II. having married the sister, and his son Alexander III. the daughter of that prince. This gave occasion to a free and frequent intercourse between the two courts and kingdoms, by which they became acquainted with each other's laws and customs. The parliament of Scotland was constituted exactly according to the plan of the English parliament in the great charter of King John. The laws ascribed to Alexander II. are said to have been made, — “with the counsel and consent of venerable fathers, bishops, abbats, earls, barons, and his gude subjects”. By these last we are probably to understand the smaller freeholders, who were summoned in general by the sheriff of each county or shire. There is such a similarity between many of the laws of England and Scotland in this period, as demonstrates, that the one must have been copied from the other. Of this it will be sufficient to give two examples, out of many that might be

<sup>35</sup> *Regiam Majestatem*, p. 348.

given.

given. By the eleventh chapter of the forest-charter of Henry III. it is granted, — “ Whatsoever archbishop, bishop, earl, or baron, coming to us at our commandment, passing by our forest, it shall be lawful for him to take and kill one or two of our deer, by view of our forester, if he be present; or else he shall cause one to blow an horn for him, that he seem not to steal our deer; and likewise they shall do returning from us, as it is aforesaid<sup>39</sup>.” By the fourteenth chapter of the forest-laws of Scotland, it is enacted, — “ All bishops, earles, or barones, cummand to the king, at his command, and passand be the forest, may lesumlie take ane or twa beasts, at the sight of the forestar, gif he be present; otherwaies he may blaw his horne, that he appear nocht to do the same thesteouslie; and he may do swa as said is returnand hame agane<sup>40</sup>.” By the statute of Henry III. concerning the assize of bread and ale, a baker, for the third offence is to be set in the pillory, and a brewer is to be punished by the ducking-stool<sup>41</sup>. By the twenty-first chapter of the borough-laws of Scotland, it is enacted, — “ Gif ane baxter or ane browster trespassse thrife, justice shall be done upon them; that is, the baxter shall be put upon the pillorie, and the browster upon the cock-stule<sup>42</sup>.” Civil causes still continued to be tried by juries in Scotland, as well as in England; and these juries, in both

<sup>39</sup> Statutes, vol. 1. p. 13.

<sup>40</sup> Regiam Majestatem, p. 323.

<sup>41</sup> Statutes, vol. 1. p. 22.

<sup>42</sup> Regiam Majestatem, p. 229.

countries, were liable to be tried, and severely punished, for false or unjust verdicts<sup>43</sup>. Trials by fire and water ordeals were discountenanced and prohibited by both nations, about the same time; but those by single combat were still frequent. In a word, the laws of both the British states were so much the same in this period, that a distinct delineation of those of the one may serve to convey no very imperfect idea of those of the other.

## SECTION II.

*Changes in the Constitution, Government, and Laws of Britain, in the reign of Edward I. from A.D. 1272. to A.D. 1307.*

**E**DWARD I. was illustrious as a general, but more illustrious as a legislator. In the former capacity he had many equals, and some superiors; in the latter he was equalled by few, and excelled by none of the kings of England. For this reason, the changes that were made in the constitution, government, and laws of his dominions, in his reign, merit our particular attention. To prevent confusion in our views of these important objects, we shall consider the most important changes that were made in this period, 1<sup>st</sup>, In the constitution of the parliament; 2<sup>dly</sup>, In the magistrates and courts of justice; 3<sup>dly</sup>, In the

<sup>43</sup> Regiam Majestatem, l. i. c. 12. 14.



statute-law; 4thly, In the common-law; 5thly, In the prerogatives of the crown; and 6thly, In the royal revenues.

As the parliaments of England have long been the chief guardians of its laws and liberties, its prosperity has very much depended on the right constitution and proper influence of these august assemblies. Whenever parliaments were discontinued, or deprived of their due degree of power, the people had reason to tremble for their liberties; and, on the other hand, when they exceeded their bounds, and deprived the crown of its just prerogatives, they had no less reason to dread the destruction of the constitution. It is therefore of importance to attend to the various forms and circumstances of these assemblies in every period of our history.

That excellent plan of a parliament which had been introduced by the Earl of Leicester and his party, in the 49th of Henry III., seems to have been laid aside, and the ancient model in the great charter of King John restored, in the last years of that prince's reign, and in the first ten years of Edward I. This, at least, appears probable, from the descriptions of these assemblies both in our histories and statutes'. The fullest and most particular description of their constituent members is to be found in the preamble of the first statutes of Westminster, which were

Ancient  
form of  
parlia-  
ments re-  
stored.

' Statutes, vol. I. p. 30—122. Brady's Introduction, p. 144—149.

made in a general and full parliament, as it is called, A.D. 1275. : " These be the acts of King " Edward, son to King Henry, made at Westminster at his first parliament general after his " coronation, on the Monday of Easter Utas, the " third year of his reign, by his council, and by " the assent of the archbishops, bishops, abbots, " priors, earls, barons, and all the commonalty " of the realm, being thither summoned." By all the commonalty of the realm we are probably to understand, all who held smaller portions of land than a whole barony of the king *in capite*, who were summoned to parliaments in general by the sheriffs of their respective counties.

Leicester's  
plan of  
parlia-  
ments re-  
vived.

Edward I. having completed the conquest of Wales, and taken David, the last of its princes, prisoner, called a parliament to meet at Shrewsbury, September 30th, 1283., for the trial of the captive prince and the settlement of the conquered country. This parliament appears to have been constituted according to the plan of that which met at London January 20th, A.D. 1265., commonly called *Leicester's parliament*. It consisted of all the great barons spiritual and temporal, who were summoned by particular writs; of two commissioners chosen by the smaller barons or freeholders of each county, in obedience to precepts directed to the sheriffs for that purpose; and of two commissioners from each of the following twenty-one cities and boroughs,

<sup>2</sup> Statutes, vol. 1. p. 40.

viz. London, Winchester, Newcastle, York, Bristol, Exeter, Lincoln, Canterbury, Carlisle, Norwich, Northampton, Nottingham, Scarborough, Gremesby, Linn, Gloucester, Yarmouth, Hereford, Chester, Shrewsbury, and Worcester<sup>3</sup>: What motives determined Edward to adopt this form at this time cannot be discovered with certainty. It is most probable, that the general summons of the smaller freeholders by the sheriff had of late been disregarded, and that few or none of them had attended parliaments, which was too expensive for persons in their circumstances; and that for this reason they were now indulged to appear by representatives, whose expences they bore. This cause afterwards produced a similar regulation in Scotland<sup>4</sup>. Soon after this form was introduced, great precautions were taken to secure the attendance of these representatives; and each of them, as soon as he was chosen, was obliged to find three or four persons of credit to be sureties for him that he would attend.<sup>5</sup>

After the above form of parliament was revived, it was not strictly adhered to for some time, but several variations took place. The famous parliament which was held at Westminster in the 18th of Edward I. seems to have been differently constituted at different periods. It was composed on the 1st day of June of prelates, earls, barons, and other nobles, who granted the King an aid

Variations  
in the  
forms of  
parlia-  
ments.

<sup>3</sup> Parliament. Hist. vol. 1. p. 86.

<sup>4</sup> Essays on British Antiquities, essay 2.

<sup>5</sup> Brady's Introduction. p. 153.

of forty shillings on every knight's fee<sup>6</sup>. On the fourteenth of the same month the King sent letters to all the sheriffs, acquainting them, that the earls, barons, and some other nobles, had made certain special requisitions, about which he desired to consult with others of the several counties; and desiring each sheriff to cause two or three of the most discreet knights of his county to be chosen and sent to parliament three weeks after Midsummer at farthest<sup>7</sup>. We hear of no citizens or burgessees being in this parliament. While the elections of knights were making in the several counties, the parliament continued sitting, and the statutes called *Westminster the third* were made by it on July 8.<sup>8</sup> It doth not appear with certainty, what the affair was about which the King desired to consult the representatives of the counties; but it seems most probable, that it was the banishment of the Jews, which was a great national concern, and took place at this time<sup>9</sup>. Some parliaments in this period were called general, and some particular<sup>10</sup>. In these last, the King consulted only with such of the great men of the clergy and laity as he thought proper to select. Several of our ancient statutes seem to have been made by these particular parliaments<sup>11</sup>. In some of the parliaments of this

<sup>6</sup> See the record in Brady's Introduction, p. 149.

<sup>7</sup> Brady's Introduction, p. 149.

<sup>8</sup> Statutes, vol. I. p. 122.

<sup>9</sup> Knyghton, col. 2466.

<sup>10</sup> Statutes, vol. I. p. 401. T. Wykes, p. 112.

<sup>11</sup> Statutes, vol. I. p. 63. 69, &c.

reign,

reign, the smaller barons in each county were represented by two, in some by three, and in some by four commissioners; and the representation of cities and boroughs was still more unsettled<sup>12</sup>. We even meet with one parliament in this reign, in which there was not so much as one clergyman; and with another to which not only the archbishops, bishops, abbots, and priors, but even the archdeacons, with a representative of every chapter, and two representatives of the inferior clergy of every diocese, were called<sup>13</sup>. In a word, nothing can be more certain than this, that the constitution of the parliament of England was far from being fixed and uniform in the reign of Edward I. In general, however, we may observe with pleasure, that the frame of these assemblies gradually approached nearer and nearer to that admirable model which hath been so long established, and hath contributed so much to the preservation of our rights and liberties.

This unsettledness of the form of parliaments gave the crown too great an influence in these assemblies; and some other circumstances still further added to that influence. As the great barons, in the times we are now delineating, delighted to reside at their castles in the country, and had but little taste for tedious political investigations, the sessions of parliament were commonly very short. This made it necessary to prepare business in such a manner, that it might

Great influence of the crown in parliament.

<sup>12</sup> Brady's *Introduct.* p. 151.

<sup>13</sup> Chron. T. Thorn, col. 196. Brady's *Introduct.* p. 155.

be dispatched in a little time, and without much expence of thought. With this view, the laws which the King desired to have enacted, were drawn up by the council or the judges, in the form of statutes, read in parliament, and at once either passed or rejected<sup>14</sup>. Several of our ancient statutes bear evident marks of their having been made in this manner.<sup>15</sup>

Triers of  
petitions.

As one great end of parliament was to redress both general and particular grievances, especially such as could not be redressed by any other means, many petitions were presented to every parliament for that purpose. To prevent their spending any time in reading and considering trifling or unreasonable petitions, certain persons were appointed by the King, some time before the meeting of a parliament, to be receivers and triers of petitions from the several parts of his dominions. On the first day of the parliament, proclamation was made at the door of the house, and other public places, that all persons who had any petitions to present, should give them in to those who had been appointed to receive them<sup>16</sup>. As these receivers and triers of petitions were named by the King, they probably acted under his direction; and they seem to have borne a very great resemblance to the lords of the articles in the parliament of Scotland.<sup>17</sup>

<sup>14</sup> Hale's Hist. Common Law, ch. 2. p. 13, 14.

<sup>15</sup> Statutes, vol. 1. p. 52, 53.

<sup>16</sup> Ryley Placita Parliamentaria, p. 240.

<sup>17</sup> Essays on British Antiquities, p. 49.

There

There is no evidence that the parliament of England was divided into the two houses of lords and commons, in the reign of Edward I. ; and it is most probable that it still continued to form only one great assembly. But as this assembly consisted of several distinct orders of men, as bishops, abbots, priors, earls, barons, knights, citizens, and burghesses ; and as these different orders had different and sometimes opposite interests, it is highly probable that one or more of these orders did retire into a separate room, on some occasions, and held consultations by themselves. This we know with certainty, that though the convocations of the clergy, in this period, made commonly only one assembly, and sat in one house, yet at some times they divided into four troops, as they were called, of which the bishops made one troop, the deans and archdeacons another, the abbots and priors a third, and the proctors of the inferior clergy a fourth ; and each troop deliberated by itself<sup>u</sup>. The representatives of cities and burghs, who were summoned to the parliament at Shrewsbury, A. D. 1283., appear to have met at the village of Aston-Burnel, while the rest of the parliament sat at Shrewsbury. A little before this (January 20. the same year), there were three distinct parliaments at the same time, in three different cities, one at Northampton, one at York, and one at Durham, to each of which the King sent com-

Only one  
house of  
parlia-  
ment.

<sup>u</sup> Hody's History of Convocations, part 3. p. 153.

missioners to represent his person, as he was then engaged in the conquest of Wales."

Method of  
terminating a  
session of  
parliament.

When the business of a session of parliament was finished, it was dismissed by proclamation; of which it may be proper to give one example, near the end of this reign, A. D. 1305: "All arch-  
" bishops, bishops, and other prelates, earls and  
" barons, knights of counties, citizens, burghesses,  
" and other people of the commons, who have  
" come at the commandment of our sovereign lord  
" the king to this parliament; the king thanks  
" them much for their coming; and wills, that  
" when they please, they may return into their  
" own countries, provided that they come back,  
" immediately and without delay, when they are  
" remanded; except the bishops, earls, barons,  
" and justices, and others, who are of the council  
" of our sovereign lord the king, who shall not  
" depart without the special licence of the king.  
" Those also who have business may stay, and  
" prosecute their business. And the knights who  
" have come for the counties, and the others who  
" have come for the cities and boroughs, may  
" apply to Sir John de Kirkeby, and he will cause  
" them to have briefs to receive their wages in  
" their own countries. And the said John de  
" Kirkeby, in consequence of this proclamation,  
" will deliver to the chancellor the names of the  
" knights who have come for the counties, and  
" the names of the others who have come for the

" Hody's History of Convocations, part 2. p. 378—383.

" cities



“ cities and boroughs; and it is proclaimed, “ that all who desire to have briefs for their ex- “ pences, as is said above, shall apply there for “ these briefs<sup>10</sup>.” When a session of parliament had been terminated in this manner, the King, on the next occasion, might either call a new parliament, or command the sheriffs to send the members of the former parliament, causing others to be elected in the room of such as had died or were infirm<sup>11</sup>. The first of these methods was most commonly pursued.

The sessions of parliament, in this period, were so short, and the members of them so impatient to return to their respective countries, that many petitions commonly remained unanswered, and many appeals undetermined. The King, with the bishops, earls, barons, justices, and others of his council, answered these petitions, and determined these appeals; which is the reason that they, together with those who had business depending, were commanded to stay till they received permission to depart. After that very session of parliament, which was terminated by the above proclamation, when it had continued above three weeks, the King and his council gave answers to no fewer than one hundred and six petitions.<sup>12</sup>

Petitions  
answered  
by the  
King and  
council.

In the preceding period, a brief description was given of the several courts, judges, and ma-

Courts,  
&c.

<sup>10</sup> Ryley's Placit. Parliament. p. 241.

<sup>11</sup> Brady's Introduct. p. 152.

<sup>12</sup> Ryley's Placit. Parliament. p. 241—266.

gistrates, which were established in England by the Normans for the administration of justice and execution of the laws ; and therefore it will be sufficient in this place to mention the most important changes that were made in these particulars, in the course of this period.”

Court of  
common  
pleas.

By the seventeenth article of the Great Charter of King John, it was declared, “ Common pleas shall not follow our court, but shall be held in some certain place.” To carry this article into execution, a court was some time after erected, for the trial of common pleas and controversies among the subjects, called the *Court of Common Bench* or *Common Pleas*, and settled at Westminster, where it still continues<sup>23</sup>. But as new institutions are not brought to perfection at once, many persons, for several years after the erection of this court, brought their common pleas into the exchequer, which gave occasion to the following statute, A.D. 1300. : “ No common pleas shall be from henceforth holden in the exchequer, contrary to the form of the Great Charter<sup>24</sup>.” This court, at its first institution, consisted only of three judges.”

Court of  
King's  
bench.

About the same time the court of king's bench was erected for the trial of criminal actions and pleas of the crown, which, as well as common pleas, had formerly been held in the exchequer.

<sup>23</sup> See vol. 6. chap. 3. p. 22—28.

<sup>24</sup> Dugdale's Origines Juridicales, ch. 18. p. 38.

<sup>25</sup> Statutes, vol. 1. p. 143.

<sup>26</sup> Id. ibid. p. 397.

<sup>27</sup> Dugdale, p. 39.

Though the persons who were summoned to attend this court, were commanded to appear (*coram ipso rege*) before the King himself; the advantages of its remaining at a known and convenient place, were so many and obvious, that it continued to sit almost constantly at Westminster, except a few short occasional removes<sup>28</sup>. A statute was indeed made, A. D. 1300., that the justices of the king's-bench should always follow him, that he might have some sages of the law near him at all times<sup>29</sup>. But this statute doth not seem to have produced any great or permanent effect. It was the duty and prerogative of the judges of this high court, from its first institution, "to correct the injuries and errors of other courts and judges."<sup>30</sup>

The most important institutions are sometimes Chancery. introduced by such slow and imperceptible degrees, that it is next to impossible to point out their origin. This seems to have been the case with respect to the court of chancery, as a supreme court of review and equity. When the *aula regis* or *king's court* flourished in its ancient undivided dignity, the chancellor sat as a judge in it, with the high justiciary, and other great officers of the crown; and after the courts of the king's-bench and common pleas were erected, he continued to sit as one of the judges in the exchequer; but it

<sup>28</sup> Dugdale, p. 38.

<sup>29</sup> Statutes, vol. I. p. 143.

<sup>30</sup> Bracton, l. 3. c. 10.

doth not appear, that in this reign he had any distinct court or jurisdiction of his own.<sup>31</sup>

Exchequer.

As the establishment of the courts of the king's-bench and common pleas very much diminished the business, it also impaired the power and dignity of the exchequer, which was very much confined, as a court of law, to the trial of such causes as respected the revenues of the crown, or its own officers and dependents.<sup>32</sup>

These courts sometimes removed.

Though the courts of exchequer, king's-bench, and common pleas, were for the most part settled at Westminster in this reign; they were sometimes removed to other places, that they might be near the King, when he was engaged in the wars of Wales and Scotland. In the 6th and 11th of Edward I., they were removed to Shrewsbury; in the 26th to York; and in the 21st the court of king's-bench sat at Roxburgh in Scotland<sup>33</sup>. But the inconveniences which attended these removes were so sensibly felt, that they became gradually less frequent.

Justices of assize.

By the statute, commonly called Westminster the second, chapter 30., A.D. 1285., justices of assize and nisi prius were appointed to go into every shire, two or three times a-year, for the more speedy administration of justice<sup>34</sup>. As these justices of assize were also judges in the courts at

<sup>31</sup> Madox, Hist. Excheq. ch. 21. p. 564, &c.

<sup>32</sup> Dugdale's Orig. Jurid. p. 36. Madox, chap. 20. p. 548.

<sup>33</sup> Id. ibid. ch. 20. p. 552, 553. Hale's Hist. C. L. p. 200.

<sup>34</sup> Statutes, vol. 1. p. 98.

Westminster, they performed their circuits into the country in the times of the vacations of these courts. By another statute, A.D. 1299, the justices of assize are appointed to be justices of gaol-delivery in all places on their circuits.<sup>35</sup>

But all these courts and judges were not sufficient to prevent the commission of many atrocious crimes, and to keep his subjects in that peace and good order which Edward I. desired. With a view to put a stop to the perpetration of such crimes, by the severe and speedy punishment of those who were guilty of them, he appointed a kind of civil inquisitors, and sent them into different parts of the kingdom, with commissions to try and punish all murderers, incendiaries, robbers, and thieves, all who beat and wounded jurymen, or others, out of malice, with all who hired, assisted, and protected them, &c. &c. These commissioners, who were commonly called *justices of traile-baston*, executed their commission with much spirit, put many of these audacious criminals to death, and obliged others to abandon their country to avoid the same fate.<sup>36</sup>

Justices of  
traile-  
baston.

To suppress riots and tumults, to punish small offences, and determine lesser controversies, and particularly to execute the decrees of the parliament of Winchester, this wise prince appointed conservators or justices of the peace in every county; but at the same time he abolished the

Justices of  
the peace.

<sup>35</sup> Statutes, vol. 1. p. 135.

<sup>36</sup> Ryley's Placita, p. 280. Spelman. Gloss. voc. *Traile Baston*.

office of high justiciary, as invested with too much power to be intrusted in the hands of any subject.<sup>37</sup>

Trials of  
the judges.

Edward I. not only made these salutary changes in the courts and magistrates, but he watched over them with great attention, and punished them when they were guilty of flagrant injustice or oppression. At his return from France, where he had resided three years, great complaints were made to him of the rapacity and extortions of the judges. To examine these complaints, he called a parliament at Westminster, A.D. 1290., at which all the judges being tried, were found guilty (except two) and severely fined. Sir Thomas Wayland, chief justice of the common pleas, appearing the greatest delinquent, was banished, and his whole estate confiscated<sup>38</sup>. This transaction was exceedingly popular, and productive of the best effects.

Statute  
law.

Several excellent statutes were made in the reign of Edward I. which contributed not a little to the melioration of the constitution, and the more regular administration of justice. It was on account of these wise and good laws that Sir Edward Coke gave this prince the title of the English Justinian. Some of these statutes respected the church, and were intended to set bounds to the power of the pope, the riches of the clergy, and the encroachments of the spiritual

<sup>37</sup> Spelman. Gloss. voc. *Justiciarius*.

<sup>38</sup> Chron. T. Wikes, p. 118. Chron. Dunstap. an. 1290. Ryley's Placita Parliament. p. 451.

courts<sup>39</sup>. Others of them were calculated for explaining, confirming, and enlarging the liberties which had been granted by the Great Charter, and the charter of the forests; and particularly for restraining the crown from imposing taxes without the consent of parliament<sup>40</sup>. Very prudent regulations were made by the statute of Winchester, for ordering the internal police of the country, and preventing thefts and robberies; and the statutes of Acton-Burnel, and *De Mercatoribus*, contain regulations no less prudent for the encouragement of trade<sup>41</sup>. But for a more perfect knowledge of the many excellent laws that were made in this reign, the reader must be referred to the statute book, and the works quoted below.<sup>42</sup>

It is impossible to give a better description of the great improvements that were made in the common law of England, in the reign of Edward I. than in the following words of Sir Matthew Hale: "Upon the whole matter it appears, that the very scheme, mold and model of the common law, especially in relation to the administration of the common justice between party and party, as it was highly rectified, and set in a much better light and order by this King, than his predecessors left it to him, so in a very great measure it has continued the same in all succeeding ages to this day; so

<sup>39</sup> Statutes, vol. 1. p. 72. 118. 160.

<sup>40</sup> Id. ibid. p. 131. 139. 156.

<sup>41</sup> Id. ibid. p. 75. 112. 115.

<sup>42</sup> Coke's Institutes, Blackstone's Commentaries, Barrington's Observations, Hale's Hist. C. L.

“ that the mark or epocha we are to take for the  
 “ true stating of the law of England, what it is,  
 “ is to be considered, stated, and estimated, from  
 “ what it was when this King left it. Before  
 “ his time, it was in a great measure rude and  
 “ unpolished, in comparison of what it was after  
 “ this reduction thereof; and on the other side,  
 “ as it was thus polished and ordered by him, so  
 “ hath it stood hitherto, without any great or  
 “ considerable alteration.” <sup>43</sup>

Prerogatives of  
 the crown.

The prerogatives of the crown were so unsettled in the times we are now considering, that they depended very much on the character and capacity of the prince who wore it. Henry III. being a weak prince, was at sometimes deprived almost of all authority by his too powerful barons; but his son and successor Edward I. supported the dignity and prerogatives of his crown with greater vigour, and repelled the attacks that were made upon them with spirit. Of this it will be sufficient to give one example. When the barons demanded, A.D. 1301., that the great officers of the crown should be named by parliament, the King returned such a fierce denial, as struck terror into those haughty chieftains, and brought them to beg his pardon for their presumption<sup>44</sup>. The truth is, this prince was too fond of power, and pushed his prerogatives beyond the limits which had been prescribed by the charters. For ex-

<sup>43</sup> Hale's History of the Common Law, p. 162, 163.

<sup>44</sup> Parliament. Hist. vol. 1. p. 118.

ample,



ample, it was stipulated by the 12th article of the Great Charter,—“ That no scutage or aid shall “ be imposed, except by the common council of “ the kingdom.” But Edward paid little regard to this article, and extorted money from his subjects on many occasions, by his own authority “ . By the 39th article of the same charter, no free-man was to be imprisoned but by the regular course of law “ . But there is the clearest evidence, that Edward and his ministers imprisoned many persons, and detained them long in prison, on mere suspicion or ill-will. Of this the Archbishop of Canterbury made the following complaint in parliament, A.D. 1290. : “ That very “ many freemen of the kingdom had, without “ any guilt on their part, been committed by the “ King’s ministers to divers prisons, as if they “ had been slaves of the meanest degree; therein “ to be kept: of whom some died in prison; with “ hunger, or grief, and the weight of their chains. “ From others they extorted, at their pleasure, “ infinite sums of money for their ransoms “ .” In a word, it was declared publicly from the bench by the ministers and judges of this prince, “ That, “ for the common utility, the King was, in many “ cases, above the laws and established customs of “ the kingdom “ :” a dangerous maxim, hardly compatible with a free and legal government.

<sup>46</sup> See vol. 6. p. 396.

<sup>46</sup> Statutes, vol. 1. p. 133. 141.

<sup>47</sup> See vol. 6. p. 400.

<sup>47</sup> Ellys’s Tracts, vol. 2. p. 7.

<sup>48</sup> Ryley’s Placit. Parliament. p. 77.

These

History of  
the char-  
ters.

These observations sufficiently account for the extreme reluctance of Edward I. to confirm the Great Charter, and the charter of the forests. This reluctance appears to have been so great, that nothing but necessity could have overcome it. Nor was he involved in this necessity till the 25th year of his reign, A.D. 1297., when being at war with France and Scotland, and in the greatest distress for money to carry on these wars, a powerful party of the English nobility, headed by the two great Earls of Hereford and Norfolk; positively refused to follow him into Flanders, complaining bitterly of his illegal exactions, and loudly demanded the confirmation of the charters, which had been so long neglected. Edward used every art to allay this rising storm; but finding this impossible, and dreading a rebellion in England while he was in Flanders, he gave a commission to his son Prince Edward to call a parliament, for the redress of grievances, and confirmation of the charters; which were accordingly confirmed with great solemnity, October 10. in full parliament at London<sup>50</sup>. The statute of confirmation being transmitted to the King, he gave his assent to it under the great seal, at Ghent, November 5. After his return into England he confirmed these famous instruments, March 8. A.D. 1299., in a parliament at London; and again in another parliament at the same place, March 16. A.D. 1300.: and finally

<sup>50</sup> Statutes, vol. 1. p. 131.

in a parliament at Lincoln, February 14. A.D. 1301.<sup>51</sup> At each of these confirmations new devises were invented to render these admired inestimable charters (which contributed so much to establish and ascertain the liberties of England) more public, sacred, and inviolable.<sup>52</sup>

Though Edward I. was an excellent œconomist, the almost incessant wars in which he was engaged involved him in expences which his stated revenues could not support. To supply this deficiency, he made frequent and commonly successful applications to his people in parliament<sup>53</sup>. But on some occasions he had recourse to more unjustifiable methods of replenishing his coffers. From the Jews he extorted prodigious sums of money at different times; and at last he seized the whole possessions of that devoted people, banishing the owners out of the kingdom<sup>54</sup>. Though he was really a friend to trade, yet when his want of money was great and urgent he sometimes made too free with the cash and goods of merchants. Before his departure on his expedition into Flanders, A.D. 1297., he seized great quantities of wool and leather belonging to the merchants, for no other reason, but that it was the most speedy and effectual means of procuring money<sup>55</sup>. At the same time he took by

Revenues  
of the  
crown.

<sup>51</sup> See Judge Blackstone's most correct and valuable History of the Charters, p. 92—115.

<sup>52</sup> Blackstone's Hist. of the Charters, p. 92—115.

<sup>53</sup> Parliament. Hist. vol. I. p. 136.<sup>9</sup>

<sup>54</sup> Walsing. p. 54. Heming. vol. I. p. 20. Trivet, p. 266.

<sup>55</sup> Walsing. p. 69. Trivet, p. 296. Heming. vol. I. p. 52.

mere

mere force, without any other plea but that he had need of them, immense quantities of corn and great multitudes of cattle, for the use of his army<sup>56</sup>. Nor did this prince abstain from laying violent hands on the property of the church, however sacred it was then esteemed. At one time he seized all the money and plate in the monasteries and churches; and at another, all the possessions of the clergy, for refusing to grant him a subsidy<sup>57</sup>. These acts of tyranny and oppression will hardly appear credible in the present age. But nothing was more difficult than to teach even the best and wisest of our ancient kings this plain fundamental principle of the constitution,—*That they had no right to the property of their subjects, unless it was granted to them by parliament.*

Wales.

EDWARD I. made great efforts to reduce the whole island of Britain into one kingdom, governed by the same sovereign, and subject to the same laws. With respect to Wales he succeeded in his design. After he had accomplished the conquest of that country by the force of arms, he was at great pains to gain a perfect knowledge of its ancient constitution and laws, and of the manners of its inhabitants. With this view, he gave a commission to the Bishop of St. David's and others, to investigate these matters in the most careful and authentic manner. No fewer than one

<sup>56</sup> Heming. vol. I. p. 110, 111.

<sup>57</sup> Walsing. p. 65. Heming. vol. I. p. 107.

hundred and seventy-two of the most respectable and intelligent persons were examined upon oath, by these commissioners, who, upon their evidence, formed a report<sup>48</sup>. Having obtained this necessary information, he held a parliament at Rhuydland in Flintshire, May 24. A.D. 1282., and in it united Wales to the kingdom of England, and introduced into it as many of the English laws, customs, courts, and magistrates, as he thought convenient at that time.<sup>49</sup>

EDWARD was not so successful in his designs <sup>Scotland.</sup> upon Scotland, though the acquisition of that kingdom seems to have been the favourite wish of his heart during the last twenty years of his life. His first scheme for uniting the two British kingdoms, by the marriage of his eldest son Prince Edward, to Margaret of Norway, heiress of the crown of Scotland, was just and honourable; but it was unhappily defeated by the death of that princess. The various methods of art and force, which he afterwards employed for accomplishing this end, have been already related. Amongst other means, he endeavoured to introduce the English laws, customs, and modes of judicial proceedings, into those parts of Scotland where his power prevailed. “ It seems very evident (says Sir Matthew Hale), that the design of Edward I. was by all means possible to unite the

<sup>48</sup> See *Leges Walliæ*, Append. Judge Barrington's Observat. p. 90.

<sup>49</sup> See *Statutum Walliæ*, in the Statutes at Large.

“ kingdom

“ kingdom of Scotland, as he had done the prin-  
 “ cipality of Wales, to the crown of England, so  
 “ that Britain might have been one entire mo-  
 “ narchy, which could never have been better  
 “ done, than by establishing one common law  
 “ and rule of justice among them; and therefore  
 “ he did, as opportunity and convenience served,  
 “ translate over to that kingdom as many of our  
 “ English customs and laws as within that com-  
 “ pass of time he conveniently could.” But as  
 all Edward’s efforts to unite Scotland to England  
 finally failed, they served only to kindle a most  
 violent and implacable animosity between the  
 people of these two kingdoms, which gradually  
 rendered their manners, laws, and customs,  
 more dissimilar than they had been in more  
 ancient and amicable times.

### SECTION III.

*Changes in the Constitution, Government, and Laws of  
 Britain, from the accession of Edward II. A.D. 1307.  
 to the accession of Edward III. A.D. 1327.*

**F**EW characters were more different than those  
 of Edward I. and of his son and successor Ed-  
 ward II. The last of these princes being a weak,  
 indolent voluptuary, without talents for war, po-  
 litics, or legislation, was the property of worth-

“ Hale’s Hist. C. L. p. 204.

less,

less, greedy favourites, to whom he abandoned both the treasures and government of his kingdom. In this reign we cannot expect to meet with great improvements in the constitution, government, and laws; and therefore on these heads it merits very little attention.

The constitution of parliament became gradually more settled and uniform in the course of this reign; though its meetings were sometimes very tumultuary, occasioned by the violent animosities of the contending parties. When a parliament was most full and general in this period, it consisted of the following classes or orders of men,—all the archbishops, bishops, abbots, priors, deans, archdeacons, two representatives from the chapter of each cathedral, and two representatives of the inferior clergy of each diocese,—all the earls and greater barons, with the judges, and all the members of the king's council, both of the clergy and laity, two knights from each county, and two citizens from each city, and two burgesses from each burgh. The first parliament in this reign, which met at Northampton October 13. A.D. 1307., was constituted in this manner<sup>1</sup>. The expences of all who were called to this parliament as representatives of the clergy, as well as of the laity, were borne by their constituents<sup>2</sup>. The clerical representatives possessed the singular privilege of substituting others in their room, when it was not convenient for them

Constitu-  
tion of par-  
liament.

<sup>1</sup> Dugdale's Summons, p. 56. <sup>2</sup> Hody's Hist. Convocat. p. 398.

to attend<sup>3</sup>. But all the parliaments of this reign were not so full and general as the first; for we find that to some of them the deans, archdeacons, and the representatives of chapters, and of the inferior clergy, were not summoned<sup>4</sup>. In a word, the two first Edwards, and their ministers, seem to have modelled their parliaments as best suited their particular views. When they designed to ask the advice, or demand the pecuniary assistance of all the different orders of their subjects, they called a general parliament; but when they wanted only the counsel and contributions of their prelates and barons, who possessed the far greatest share both of the power and riches of the kingdom, they called only a particular parliament, consisting of these prelates and barons. This not only appears probable, from an attentive consideration of the circumstances in which these different kinds of parliaments were called; but is directly asserted to have been the case by an archbishop of Canterbury, who flourished in those times, in a letter to the Pope:—"It is the custom of the kingdom of England, that in those public contingencies which affect the state of that kingdom, the counsel of all who are particularly concerned is required<sup>5</sup>." The inferior clergy, and the inhabitants of cities and towns were so poor, and contributed so little to tenths and fifteenths, that sometimes no de-

<sup>3</sup> Hody's Hist. Convocat. p. 389.

<sup>4</sup> Id. p. 390.

<sup>5</sup> M. Westmonst. an. 1301. p. 439.



mand was made upon them, and then they were not required to send representatives to parliament. The twentieth, for example, that was granted in the first parliament of Edward II. by the earls, barons, and knights, amounted, in the county of Bedford, to 720l. 12s. 7d.; while the fifteenth, granted by the citizens and burgesſes, produced in all the towns of the ſame county, only 31l. 18s. 4½d.\* Nor did the towns bear a much higher proportion to the counties in other parts of England. But as cities and towns increaſed in wealth, their contributions to the public expences, and their importance in other reſpects, became more conſiderable; and then they were conſtantly called upon to ſend their representatives to parliament, in which they ſoon acquired a much greater influence than the counties, by their ſuperior numbers.

The parliament of England doth not appear to have been ſtatedly divided into two houſes in this reign; though each of the ſeveral orders of which it conſiſted, occaſionally retired and conſulted apart about its own particular concerns. In theſe ſeparate conſultations, the knights of ſhires commonly, if not conſtantly, ſat with the earls and barons, as having been originally of the ſame order; and always granted the ſame proportion of their goods with the earls and barons. The representatives of cities and burghs, who were really citizens and burgesſes, inhabitants of the

Parliament  
not yet di-  
vided into  
two houſes.

\* Carte, vol. 2. p. 308. from the Rolls in the Pipe-Office.

places which they represented, formed one body, and held consultations about the affairs of trade, and about granting aids to the crown; and they commonly granted a greater proportion of their moveables than the earls, barons, and knights, because they owed their establishment and franchises to the crown, and depended upon it for further immunities.<sup>7</sup>

Clergy in  
parliament  
nearly  
equal to  
the laity.

The clergy were nearly equal to the laity in number, as well as in wealth and dignity, in the parliaments of England in this period. The bishops, abbots, and priors, corresponded to the earls and barons, and were also summoned in the same manner, by a particular writ directed to each of them: the deans and archdeacons corresponded to the knights of shires, and were summoned by the bishop, as the knights were by the sheriff of the county: and the representatives of the chapters of cathedrals, and of the inferior clergy, who were called the *spiritual commons*, corresponded to the representatives of cities and burghs<sup>8</sup>. The clergy also granted their own money in parliament, and sometimes in a different proportion from the laity<sup>9</sup>. These circumstances, and some others, made the favour of the clergy an object of great importance to the prince, in the times we are now considering.

Courts.

“It seems,” says a learned historian of the law, “that the certain fixing of the court of common-

<sup>7</sup> Carte, vol. 2. p. 246—260.

<sup>8</sup> Dugdale's Summons, p. 92, &c. Pryn. Parl. Writ. vol. 2. p. 77.

<sup>9</sup> Rights of an English Convocation, p. 39, &c.

"pleas at Westminster, occasioned much more resort thereto than before; for about the beginning of Edward II.'s reign there were so many suits therein, as that the King was necessitated to increase the number of his justices, who were to sit there, unto six, which commonly were not above three before that time; and so to divide them, that they might sit in two places<sup>10</sup>." The judges in this court were afterwards increased to seven, and at last to nine; though they have long since been reduced to four, who sit all in one place. In proportion as the business of the court of common-pleas increased, that of the exchequer, in which these pleas had formerly been tried, declined<sup>11</sup>. The members of the king's council still continued to possess great judicial powers, and acted as barons of the exchequer, as well as determined many causes in the last resort, which could not be overtaken by parliaments in their short sessions.<sup>12</sup>

Few statutes of lasting utility or great importance were made in the turbulent unhappy reign of Edward II. By the ancient common law of England, breaking prison was a capital crime, even though the person had been committed for a slight offence. The unreasonable severity of this law or custom was corrected by a statute made in a parliament at Northampton, 1st Edward II., A. D. 1307., which decrees,—"That

Statute  
law.

<sup>10</sup> Dugd. Origin. Jurid. p. 39.

<sup>11</sup> Madox, Hist. Excheq. p. 548.

<sup>12</sup> Madox, Hist. Excheq. p. 565, &c.

“ none from henceforth that breaketh prison shall  
 “ have judgment of life or member, for breaking  
 “ prison only, except the cause for which he was  
 “ taken and imprisoned did require such judgment,  
 “ if he had been convicted thereupon according  
 “ cording to the law and custom of the realm, albeit  
 “ in times past it hath been used otherwise.”

The prices of provisions of all kinds being very high A. D. 1314, parliament attempted to reduce and fix them at a certain rate by law; but that law having produced a famine, was soon repealed.<sup>14</sup>

Common  
law.

The common law, when it could be exercised, continued in the same improved state to which it had attained in the preceding reign<sup>15</sup>. But the regular administration of justice was frequently interrupted by civil broils; and the rage of party was sometimes so violent, that several noble persons were deprived of their fortunes, and even of their lives, without so much as the pretence or form of a trial.

Prerogatives  
of  
the crown.

The limits of the prerogatives of the crown, and the privileges of the people, were in this period so unsettled, that they depended very much on the personal character of the king. As Edward II. was a weak prince, he was soon deprived of the most essential prerogatives of his crown, and, in the third year of his reign, compelled, by a powerful faction of his barons, to give a

<sup>14</sup> Statutes, vol. i. p. 164.

<sup>15</sup> Parliament. Hist. vol. i. p. 151. 153. Walsing. an. 1314.

<sup>16</sup> Hale's Hist. C.L. ch. 8. p. 166.

commission to twelve great men, named by parliament, to govern both his kingdom and his household with unbounded sway<sup>16</sup>. By this commission the royal authority was almost annihilated, and a tyrannical aristocracy established. This, like every other violent breach in the constitution, produced much confusion and misery for several years; the barons labouring to preserve the power they had gained, and the King to recover the authority he had lost. In the mean time, the people suffered all the distresses arising from anarchy and civil discord, aggravated by famine, and the destructive incursions of the Scots. The King, after a struggle of twelve years, was restored to all the prerogatives of his crown, by his victory over the Earl of Lancaster and his confederates at Boroughbridge, A. D. 1322. For soon after that victory a parliament was held at York, in which all the ordinances which had been made by the twelve commissioners, and for the support of which the confederated barons had taken arms, were repealed, — “because by  
“the things which were ordained, the King’s  
“power was restrained in many things, contrary  
“to what was due to his feigniory royal, and  
“contrary to the state of the crown<sup>17</sup>.” But this weak unfortunate prince, about five years after this, was deprived, first of his crown, and afterwards of his life.

<sup>16</sup> Ryley, Placit. Parliament. p. 526. 529.

<sup>17</sup> Parl. Hist. v. 1. p. 176.

## Revenues.

The hereditary revenues of the crown of England, which at the accession of Edward II. were very great, were in a little time very much diminished by his unbounded liberality to his worthless insatiable favourite Piers Gavaston<sup>18</sup>. By the same means, all the money which had been provided by his father for the relief of the Holy Land, and for the expedition against Scotland, was consumed, and he was reduced to a state of indigence very unbecoming the royal dignity. In the course of his reign, particularly after the destruction of the Earl of Lancaster and his party, many great estates came to the crown, and he also obtained several tenths and fifteenths from parliament. But all these estates and sums of money were lavished on his favourites, especially on the two D'Espensers. It must however be acknowledged, that this misguided prince never attempted to supply his wants, which were often very pressing, by imposing tallages or taxes of any kind without consent of parliament. But there is some reason to suspect, that this abstinence was rather owing to want of power, than to a conscientious regard to the constitution.

Constitution,  
&c.  
of Scotland.

As soon as the renowned Robert Bruce found himself firmly seated on the throne of Scotland, by the decisive victory at Bannockburn, he began to think of re-establishing order, and the regular administration of justice in that unhappy kingdom, which had long been a scene of the most

<sup>18</sup> Rymer, vol. 4. p. 90, 91.

deplor-

deplorable anarchy and confusion. With this view he held a parliament at Scone, A.D. 1319., consisting of the bishops, abbots, priors, earls, barons, and other noblemen of his realm<sup>19</sup>. In this parliament a capitulary, or collection of statutes, consisting of thirty-four chapters, was formed; in which there are many things remarkable. The nineteenth law, which is for nourishing peace and love, recites, that from the death of King Alexander there had been great discords and animosities among the nobles of the realm; and therefore, to put an end to these, and to nourish peace and love, it is defended and forbidden, that one nobleman do any hurt to another, or to any of his men<sup>20</sup>. By the twentieth law, such as invent or spread rumours which may occasion discord between the king and his people, are to be imprisoned during the king's pleasure<sup>21</sup>. Another system of laws, consisting of thirty-eight chapters, was formed in a parliament at Glasgow, A.D. 1325. By the thirty-third chapter of these laws, it appears, that the enmity between the clergy and laity was so great, that they were not admitted to be witnesses against each other in a court of justice<sup>22</sup>. By the twenty-sixth statute, very great precautions are directed to be taken, to prevent a woman who pretended to be with child at the death of her husband, from imposing a suppositious child on his family. She was im-

<sup>19</sup> Regiam Majestatem, p. 339.

<sup>20</sup> Id. p. 345.

<sup>21</sup> Id. p. 344.

<sup>22</sup> Id. p. 368.

mediately to be committed to the custody of a matron of undoubted integrity. When within a month of her delivery, she was required to invite the friends of her late husband to come and live with her during that month. As soon as her pains began, guards were to be placed at the door of her house, with orders to search every person who desired admittance. Three candles were to be burning in the room all the time she was in labour; and as soon as the child was born, it was to be exhibited to the view of the friends of the family<sup>23</sup>. Many of the laws in both the capitularies of Robert I. are evidently borrowed from English statutes of Henry III. and Edward I.; and some of them are transcribed almost *verbatim*<sup>24</sup>. This is a proof both of the wisdom and magnanimity of Robert Bruce, who did not disdain to borrow useful regulations from his greatest enemies.

The parliament of Scotland, in the former part of this period, appears to have been constituted according to the model of the English parliament in the Great Charter of King John. Burgeſſes were introduced into that parliament, which was held by Robert I. in the abbey of Cambuskenneth, in July A. D. 1326., which consisted of the earls, barons, burgeſſes, and all the other freeholders of the kingdom, who granted that illustrious prince, for his whole life, the tenth part of the rents of

<sup>23</sup> Regiam Majestatem, p. 366.

<sup>24</sup> Compare Westm. 3d stat. vol. i. p. 122. with 2d stat. Robert I. ch. 24.



all their lands, according to the old extent of their lands and rents in the time of Alexander III., in consideration of the great diminution of the lands and revenues of the crown, in the course of the long war, and of the great things which the King had done and suffered for preserving the independency of the kingdom<sup>21</sup>. It is remarkable, that none of the clergy are mentioned as being present in this parliament, though in the record it is called a full parliament. This makes it highly probable, that the clergy had a convocation about the same time, for the purpose of making a similar grant. In a word, there was still a very great resemblance between the laws of the two British kingdoms, though they had been many years in a state of the most violent and fierce hostility.

#### SECTION IV.

*Changes in the Constitution, Government, and Laws of Britain, from the accession of Edward III., A. D. 1327, to the accession of Richard II., A. D. 1377.*

**I**N the long and glorious reign of Edward III. several important changes were made in the constitution, government, and laws of England, which merit our attentive consideration.

As the parliaments of England have been the guardians of its liberties, the framers of its laws,

<sup>21</sup> Lord Kames's Law-Tracts, Append. No. 5.

the imposers of its taxes, the great counsellors of its kings, and the supreme judges of the lives and properties of its people, in every age, the state of those illustrious assemblies, their constituent members, and other circumstances, claim the first and chief attention, of all who wish to trace the history of the constitution with any degree of accuracy.

very frequent.

Edward III. appears to have been fond of parliaments, and never neglected to consult them on any affair of importance. By this means that wise prince obtained the best advice, and most hearty concurrence and support, of his subjects, in his arduous undertakings; which were generally crowned with success. His writs of summons to no fewer than seventy parliaments and great councils, are still extant; and afford a sufficient proof of his fondness for those assemblies, and that he called a far greater number of them than any other king of England.<sup>1</sup>

Parliaments and great councils.

The distinctions between parliaments and great councils still subsisted; and Edward III. called sometimes the one and sometimes the other, as the state of his affairs required. When he desired only the advice and assistance of his great barons, who still possessed the far greatest part of the power and property of the kingdom, he called a great council consisting of all the great men, both of the clergy and laity, who held of the crown by barony, and were intitled to a particular summons<sup>2</sup>. When he stood in need of

<sup>1</sup> Dugdale's Summons to Parliament, p. 139—292.

<sup>2</sup> Ibid. the

the counsel and aid of all his subjects, he called a full parliament, which consisted, not only of the barons spiritual and temporal, but also of the representatives of the inferior clergy,—of the smaller barons, or freeholders,—and of the citizens and burghesses of the kingdom; and those representatives of the clergy and laity below the rank of barons, were called *the spiritual and temporal commons*. But as parliaments possessed greater authority in granting supplies, making laws, and in all other things, than great councils, they were more frequently called.<sup>3</sup>

The number of representatives sent to parliament by each county, city, and borough, in this reign, was not invariably fixed. Only one representative from each city and borough was summoned to the parliament which met at Westminster 26th Edward III.; and only one knight from each county was summoned to that which met the year after at the same place, though two representatives from each city and borough were called to this last<sup>4</sup>. At length the general rule of sending two members from each county, city, and borough, was so uniformly observed, that by custom it became a law.

Number  
of repre-  
sentatives.

The number of towns and boroughs which sent members to parliament, in the times we are now considering, was still more unfixed and variable. This seems to have depended very much on the sheriffs of the several counties to whom

<sup>3</sup> Dugdale's Summons to Parliament.

<sup>4</sup> Brady's Introduction. p. 158. 160.

the

the King's writ was directed, commanding them to cause a certain number of citizens (most commonly two) to be elected for each city, and of burgesſes for each borough, within their counties. To theſe officers the people of ſmall towns and boroughs, who were unable or unwilling to pay the wages of their representatives, frequently applied; and many of them by one means or other, were excuſed or overlooked. In general, the representatives of cities and boroughs were much fewer in this period than they are at preſent<sup>a</sup>. It is obvious, that this unſettled ſtate of parliaments added much to the authority and influence of the crown in thoſe aſſemblies; and we learn from hiſtory, that this influence was ſometimes employed in packing parliaments for the moſt pernicious purpoſes; particularly by the Queen-mother, and her favourite Mortimer in the beginning of this reign.<sup>b</sup>

Parliament  
divided  
into three  
bedies.

It is perhaps impoſſible to diſcover the preſiſe time when the parliament of England was divided into the two houſes of lords and commons, meeting ſtatedly in different places, and forming two great and diſtinct aſſemblies. None of our ancient hiſtorians give any account of this event, ſo remarkable in itſelf, and productive of ſo many important conſequences; nor is there any law concerning it in the ſtatute-book. It is highly probable, that this cuſtom of meeting in two ſeparate chambers was introduced almoſt in-

<sup>a</sup> Brady of Boroughs, p. 54. 59.

<sup>b</sup> Biſhop Ellys's Tracts, vol. 2. p. 123.

<sup>c</sup> Rym. Fœd. t. 4. p. 453.

ſenſibly,

senſibly, and eſtabliſhed without much noiſe or obſervation. It hath been already obſerved, that in the two preceding reigns the ſeveral orders of men of which the parliament conſiſted, ſometimes retired into ſeparate rooms, and deliberated by themſelves about affairs in which they were particularly concerned. This practice, we may preſume, being found convenient in many reſpects, became gradually more and more frequent, till at length it ſettled into a cuſtom. At firſt, the parliament commonly divided into three bodies for their ſeparate deliberations; the clergy forming one of theſe bodies; the earls, barons, and knights of ſhires, another; and the citizens and burgeſſes a third. Of this, if it were neceſſary, many examples might be given. When Edward III. aſked the advice of his parliament, which met at Weſtminſter, March 12. A. D. 1332., about the moſt effectual means of ſuppreſſing certain audacious bands of robbers which infeſted ſeveral parts of the kingdom, the prelates and proctors of the clergy went apart to conſult by themſelves, the earls, barons, and knights of ſhires by themſelves, and the citizens and burgeſſes by themſelves. After ſome time had been ſpent in theſe ſeparate conſultations, the whole parliament re-aſſembled, received the reports of theſe ſeveral bodies, and out of them, by common conſent, one general advice was formed, and preſented to the King\*.

\* Dugdale's Summons, p. 167. Rights of Convocat. p. 58. Parliament Hiſt. vol. I. p. 213, &c.

The same method of proceeding was followed when the crown demanded supplies. The demand was made in full parliament; on which each of these three bodies deliberated separately, and settled the proportion of their goods or money which they proposed to grant. This is the reason that the grants of these several bodies are not only in different proportions, but sometimes even of different kinds, one body granting a certain proportion of their corn and cattle, another a certain quantity of their wool, and a third a certain sum of money<sup>10</sup>. While the separate consultations of these different bodies were only occasional, it doth not appear that the citizens and burgeses (who may be said to have constituted the house of commons) had any common speaker, settled and chosen for the whole session of parliament; but they probably chose one at each consultation.

Proctors of  
the clergy  
no longer  
members  
of parliament.

As the above plan of parliament was not agreeable to many of its members, it was not of long duration. The inferior clergy, in particular, were much displeased with this system, because they knew that they were compelled to send their proctors to parliament, with no other view than that they might be prevailed upon, by the presence and authority of the laity, to make more liberal grants of money to the crown than they would have done in convocation. They laboured, therefore, with the greatest earnest-

<sup>10</sup> Parliament. Hist. vol. 2. p. 330.

ness,

ness, to procure exemption from sending their representatives to parliament; and at length succeeded. For it plainly appears, from the records of the parliament which met at Westminster, April 23. A.D. 1341., that none of the clergy were members but such as held of the King by barony, i. e. archbishops and bishops, and some of the richest abbots and priors<sup>11</sup>. The crown, it is true, did not then, or even for several reigns after, formally renounce the right of calling the proctors of the inferior clergy to parliament, but only connived at their absence, and permitted them to grant their money in their convocations without mingling with the laity. These convocations were commonly held at the same time, and in the same city with parliaments; and so strict an intercourse was kept up between these assemblies, that many things done by the clergy in convocation were reported in parliament.<sup>12</sup>

The union between the great barons and the knights of shires in their private consultations, was not very natural, as the former sat in their own right, and were accountable to none for their conduct, and the latter sat by election, and were certainly bound to have a particular concern for the interests, and even some respect for the sentiments, of their constituents. The inconveniency of this appeared in the parliament which met at Westminster, October 13. A.D. 1339., and no

The establishment of the houses of lords and commons.

<sup>11</sup> Hody Hist. Convocat. p. 411, 412.

<sup>12</sup> Id. p. 412—431.

doubt

doubt on other occasions. When the barons and knights of shires in that parliament consulted together, about an aid to be granted to the King, the barons were willing to give their tenth sheaf, fleece, and lamb; but the knights declined giving so large a grant till they had consulted their constituents; which occasioned a delay very fatal to the King's affairs. This union between the barons and knights seems to have been dissolved about that time. For the King having called a parliament to meet at Westminster, April 23. A.D. 1343., sent Sir Bartholomew Burghersh to ask their advice, whether he should make a peace with the King of France under the mediation of the Pope, or not? And Sir Bartholomew having proposed this question to the whole parliament, desired the prelates and barons to deliberate upon it among themselves, and also desired the knights of counties and commons to assemble in the painted chamber; and consult about the same matter; and both to meet in full parliament on Thursday May 1., and report their advice<sup>13</sup>. On this occasion we find the two houses of lords and commons completely formed; the first composed of all the clergy and laity who held of the crown by barony, and were summoned by particular writs directed to each member; the second, of the representatives of all the smaller barons, citizens, and burgesses; an excellent institution, which hath continued, with some short interruptions and small variations, through more than four centuries.

<sup>13</sup> Parliament, Hist. vol. i. p. 252.

This



This permanent division of the parliament into the two houses of lords and commons was attended with many advantages, and contributed more than any other event to the improvement of the constitution. Each of these houses consisting of much fewer members than the whole parliament, and these members being nearly of the same rank in society, their deliberations were conducted with great calmness and regularity. The commons, being no longer under the eye of potent and haughty barons, in whose presence they hardly dared to speak, took courage, and gradually acquired greater weight and influence. Every law underwent the examination of two distinct assemblies, jealous of each other's power, and watchful over each other's conduct, before it was presented to the King for his assent. Each of the two houses was a check upon the other; by which neither of them was permitted to encroach on the privileges of the other, or on the prerogatives of the crown. In a word, by this happy division of the parliament of England into the two houses of lords and commons, with the King at their head, the rights of all ranks of people were secured, and the English constitution acquired the peculiar advantages of the three most famous forms of government, monarchy, aristocracy, and democracy, without their disadvantages. This is one part of the policy of England, which Scotland, to its unspeakable loss, never imitated.

Happy  
effects of  
this estab-  
lishment.

Gradual  
union of  
the knights  
and com-  
mons.

It required a considerable time to bring the union of the knights of shires with the citizens and burgeses to perfection. Many years after they were united, the members of the lower house of parliament were constantly denominated, "the knights of shires and commons;" and the former were reputed of a higher order in society than the latter, who were really inhabitants of the cities and boroughs they represented<sup>14</sup>. On some occasions, the knights of shires, having finished their business, were dismissed, when the citizens and burgeses were detained in order to lay imposts upon certain goods, and to regulate the affairs of trade, which was considered as their peculiar province<sup>15</sup>. That they might be properly qualified for doing this, this King, in his writs of summons, sometimes directed cities and boroughs to elect such of their members to represent them as were the most expert mariners, or most intelligent merchants<sup>16</sup>. But by degrees all these distinctions vanished, and cities and boroughs were represented by gentlemen of the best families and greatest fortunes in the kingdom.

Humility  
of the  
commons.

After the knights, citizens, and burgeses were united into one assembly, and formed the lower house of parliament, they treated the prelates and great barons, who formed the other house, with the greatest respect and deference on all occasions, and seemed to entertain very humble thoughts of their own power and political abilities. When

<sup>14</sup> Parliament. Hist. vol. 1. passim.

<sup>16</sup> Id. p. 314.

<sup>15</sup> Id. p. 313.

matters

matters of great moment, or of great difficulty, came before them, they commonly applied to the lords, and petitioned, that certain prelates and barons might be allowed to come to them, and assist them with their advice<sup>17</sup>. In these meetings of the commons with a committee of the lords, the nature and quantity of the supplies to be granted to the crown were ordinarily settled, and afterwards reported in full parliament.

The parliaments of this period, in regulating the supplies, sometimes betrayed a degree of ignorance of the state of their country, which would be perfectly incredible, if it were not so well attested as to preclude all doubt. The parliament which met at Westminster, February 24. A.D. 1371., granted the King an aid of 50,000*l.*, and in order to raise it, imposed a tax of 2*s.* 3*d.* upon every parish, supposing the number of parishes to be about forty-five thousand. But it was soon found, that they did not amount to a fifth part of that number; and consequently that the tax imposed would not have raised a fifth part of the sum granted<sup>18</sup>: A most astonishing mistake, to be committed by so numerous an assembly composed of the greatest and most intelligent persons in the kingdom!

The method which was taken to rectify the mistake above mentioned was also very singular. Instead of reassembling the former parliament, or calling a new one, the King summoned a certain

Mistake of parliament.

Singular assembly.

<sup>17</sup> Parliament. Hist. vol. i. p. 315.

<sup>18</sup> Cotton's Abridg. from the Parliament-roll, 45th Ed. III.

number of prelates and lords, together with one half of the knights, citizens, and burgesſes, who had been members of the laſt parliament, all named by himſelf in his writs of ſummons, to meet at Wincheſter, June 8th<sup>19</sup>. This very remarkable aſſembly aſſumed the authority of a parliament, and raiſed the tax on each pariſh to 5l. 10s. Such a meaſure would not have been thought of in a more mature and ſettled ſtate of government.

Lawyers  
excluded  
from par-  
liament.

In the days of chivalry and ſuperſtition, when diſputes were more frequently determined by the ſword, or by ordeals, than by law, the profeſſion of a lawyer was neither very lucrative nor very honourable, and conſequently was embraced by few men of probity and credit. This brought the profeſſion into ſuch diſgrace, that practiſing lawyers were declared incapable of being choſen members of parliament, by a ſtatute, 46th Edward III. A.D. 1372.<sup>20</sup> But the gentlemen of that profeſſion have long ſince wiped off that reproach, and recovered their place in parliament, where many of them have acted, and ſtill continue to act, a part highly honourable to themſelves and advantageous to their country.

Change in  
the manner  
of making  
laws.

When the houſe of commons was completely formed, a new mode of making ſtatutes was introduced. The commons, towards the concluſion of every ſeſſion, preſented, in the preſence of the lords, certain petitions for the redreſs of grievances to the king; which he either granted, denied, or

<sup>19</sup> Brady, vol. 2. p. 161.

<sup>20</sup> Carte Hiſt. from Records, vol. 2. p. 482.

delayed.

delayed. Those petitions that were granted were afterwards put into the form of statutes by the judges and other members of the king's council, inserted in the statute roll, and transmitted to sheriffs to be promulgated in their county courts<sup>21</sup>. But this inaccurate manner of making laws was attended with many inconveniencies; and the commons had too often reason to complain that the statutes did not exactly correspond with their petitions. They had still better reason to complain of Edward III. for repealing a statute by his proclamation, which had been made in consequence of their petitions which he had granted, on this very strange pretence,— that he had dissembled when he granted their petitions, to avoid the mischiefs which a denial would have produced<sup>22</sup>. In a word, though the constitution and form of the parliament of England was much improved, and its authority much increased, in the course of this long and glorious reign, it was still very far from that degree of perfection in both these respects to which it hath since attained.

Many statutes were made in this period, which contributed not a little to the improvement of <sup>Statute</sup> law. the common law, and to the security of the rights and privileges of the people. The Great Charter was confirmed by no fewer than ten acts of parliament; and some articles of it were explained and enlarged<sup>23</sup>. Several good laws were

<sup>21</sup> Hale's Hist. C. L. p. 14.

<sup>22</sup> Statutes, vol. i. p. 227.

<sup>23</sup> Statutes, vol. i. p. 192—333.

made for the speedy and impartial administration of justice, and against those dangerous associations, which were then common, for supporting each other in their law suits<sup>24</sup>; the king's prerogative of pardoning convicts, particularly murderers, which had been very improperly exercised, was limited by various statutes<sup>25</sup>; the institution of justices of the peace was confirmed and improved, and their powers enlarged<sup>26</sup>; the intolerable grievance of purveyance for the king's household was mitigated<sup>27</sup>. The statute of 25th Edward III. chap. 2. intitled, — "A declaration which offences shall be adjudged treason," is certainly a wise and good law. The same may be said of 4th Edward III. chap. 14., "That a parliament shall be holden every year once;" and of 36th Edward III. chap. 15., "That pleas shall be pleaded in the English tongue;" and of several others, for the knowledge of which the reader must be referred to the statute-book.

Impracticable statutes.

Many of the laws that were made in the reign of Edward III., and still stand in the statute-book, are become impracticable, and may be said to be repealed by those prodigious changes in the state and circumstances of the kingdom, which four centuries have produced. Such are the laws relating to the staple of wool and other goods, — the sumptuary laws prescribing the

<sup>24</sup> Statutes, vol. 1. p. 195. 199. 204. 210. 223, &c.

<sup>25</sup> Id. ibid. p. 196. 218. &c. Id. ibid. p. 195. 198. 240, &c.

<sup>27</sup> Id. ibid. p. 202. 206. 219. 261, &c.

dress

dress and diet of persons of different ranks, — the statutes which settle the wages of labourers, and the prices of provisions; and many others". These obsolete impracticable statutes are valuable monuments of antiquity, and ought to be carefully preserved; but the propriety of retaining them in our code of laws, which would be sufficiently voluminous without them, may be doubted.

It seems to be impossible to give a better or shorter account of the state of the common law in this period, than in the words of its learned historian: " King Edward III. succeeded his father. His reign was long, and under it the law was improved to its greatest height. The judges and pleaders were very learned. The pleadings are somewhat more polished than those in the time of Edward II.; yet they have neither uncertainty, prolixity, nor obscurity. They were plain and skilful; and in the rules of law, especially in relation to real actions, and titles of inheritance, very learned, and excellently polished, and exceeded those of the time of Edward I. So that at the latter end of this king's reign, the law seemed to be near its meridian." <sup>20</sup>

Few attempts were made to deprive the crown of its just prerogatives in the reign of Edward III. The power of pardoning was indeed confined within reasonable limits by law, which,

<sup>20</sup> See Statutes at Large, *temp.* Ed. III.

<sup>20</sup> Hale's Hist. Com. Law, p. 167, 168.

it is probable, was not disagreeable to the king; as it relieved him from importunate petitions, that were not fit to be granted. Parliament, in the fifteenth year of his reign, taking advantage of his necessities, made a bold attack on the prerogative, by demanding that on the third day of every session all the great officers of the crown should be divested of their offices, and called to account for their conduct by parliament, and that if any of them were found culpable, they should be finally deprived of their offices, and others substituted in their room. With this demand Edward found it necessary to comply, in order to obtain a large supply of money, of which he stood in the greatest need. But he soon recovered the power he had lost, by boldly repealing this act of parliament, to which he had given his assent, declaring in a proclamation, that his assent had been involuntary, and that the act in question was inconsistent with the prerogatives of the crown, which he was bound by his coronation oath to maintain<sup>30</sup>. Nor was this the only arbitrary unconstitutional action in the administration of Edward III. In spite of the Great Charter, which he had often confirmed, and of several other laws, he frequently extorted money from his subjects without the consent of parliament, by his own authority<sup>31</sup>. All the remonstrances and petitions of the house of commons could never prevail upon him, clearly and

<sup>30</sup> Statutes at Large, vol. I. p. 237.

<sup>31</sup> Cotton, Abridg. p. 17, 18. 39. 47. 52, 53, &c. &c.

explicitly,



explicitly, to relinquish that prerogative; for in the very last year of his reign, he affirmed, in the face of his parliament, that he had a right to impose taxes on his subjects, when it was necessary for the defence of the realm.<sup>32</sup>

The hereditary revenues of the crown of England during the whole of that period, which is the subject of this book, were derived from those sources which have been described already, in the third chapter of the third book of this work<sup>33</sup>. Edward III. it is said, received no less than thirty thousand pounds a-year from Ireland; and, in time of peace, it is probable he received also considerable sums from his dominions on the continent<sup>34</sup>. These settled hereditary revenues were abundantly sufficient for defraying all the expences of the civil government, and for maintaining the royal family in affluence and splendour; but they were far from being sufficient for supporting those long expensive wars which he carried on in France and Scotland. Those wars involved him in great debts and difficulties, and obliged him to make frequent importunate applications to parliament for pecuniary aids, as well as to employ several other methods neither so just nor honourable. The lustre of Edward's personal accomplishments, and great victories, rendered him so popular, that his applications to parliament for money were seldom unsuccessful;

Revenues  
of the  
crown.

<sup>32</sup> Cotton. Abridg. p. 152.

<sup>33</sup> See vol. 6. p. 15—18. 34—43.

<sup>34</sup> Walsing. p. 350.

and

and he obtained far more frequent and liberal grants than any of his predecessors<sup>35</sup>. To enable us to form some idea of the value of these parliamentary grants, and of the sums of money which he extorted from his subjects by other methods, it may be proper to give a very brief account of them for one year. The parliament which met February 3. A.D. 1338., granted him one half of next summer's wool which was collected and sold for 400,000l.<sup>36</sup> About the same time he seized all the money, jewels, and other goods, of the Lombard merchants in London; and took into his own hands all the revenues of the alien priories, and retained them twenty years; and borrowed great sums of money from several abbeys. That parliament granted also an additional duty of two shillings on every ton of wine imported, over and above all former customs. Another parliament met that same year in October, at Northampton, and granted a fifteenth, besides the pre-emption of all the wool in the kingdom at a very low price; and the clergy in convocation granted a tenth for two years<sup>37</sup>. The people of England never had greater reason to complain of taxes than in this memorable year, in which their king assumed the title of *King of France*: an event that proved fatal to the peace and prosperity of both kingdoms, and, amongst many evils of which it was

<sup>35</sup> See Parliament. Hist.

<sup>36</sup> Knyghton, col. 2570.

<sup>37</sup> Parliament. Hist. vol. 1. p. 225—228.

productive, contributed not a little to multiply and perpetuate taxes.

About a year before Edward III. assumed the title of *King of France*, he introduced a new order of nobility, to inflame the military ardour and ambition of his earls and barons, by creating his eldest son Prince Edward Duke of Cornwall. This was done with great solemnity, in full parliament at Westminster, March 17. A. D. 1337., by girding the young prince with the sword, and giving him a patent, containing a grant of the name, title, and dignity of a *duke*, and of several large estates, to enable him to support that dignity<sup>38</sup>. This high title was also conferred by Edward on his cousin Henry Earl of Lancaster, and on two of his own younger sons, the princes Lionel and John, at different times, but with the same solemnities.<sup>39</sup>

Title of duke introduced.

AFTER the death of King Robert I. Scotland relapsed into a state of disorder and distress almost equal to that from which it had been rescued by the wisdom, valour, and good fortune of that illustrious prince. The competition for the crown between the Bruce and Baliol families was again revived, and the partisans of these families alternately triumphed, and were defeated. King David Bruce, who finally prevailed in this long and fatal contest, spent above nine years of his reign, an

Constitution of Scotland.

<sup>38</sup> Selden's Titles of Honour, p. 621. Rymer, tom. 4. p. 735.

<sup>39</sup> Selden, p. 622.

exile.

exile in France, and eleven years of it a prisoner in England. It is not to be imagined, that in this unfortunate reign, which continued forty years, any great improvements could be made in the laws and government of a country in such unhappy circumstances. Two capitularies or systems of laws which are said to have been made in the reign of David II. are published among the ancient laws of Scotland<sup>40</sup>; but there is good reason to suspect, that the laws contained in the first of these capitularies are not genuine. All amer-ciements for delinquencies are by these laws appointed to be paid in cattle, and not in money, which was not the custom of Scotland in the fourteenth century<sup>41</sup>. It is hardly to be supposed, that the parliament of Scotland in this period could be capable of making the following law: "It is statute by the king, that if any man kills another man's dog unjustly, he shall watch his dunghill a year and a day<sup>42</sup>." Some other laws in this collection are still more absurd. The laws contained in the second of these capitularies seem to be genuine, and some of them are of the same import with English statutes of this period<sup>43</sup>. But it is not probable that these laws were made, according to the title prefixed to them, "in a parliament holden at Scone, by King David II.

<sup>40</sup> Regiam Majestatem, p. 370—390.

<sup>41</sup> Id. p. 370.

<sup>42</sup> Chap. 15.

<sup>43</sup> Compare Regiam Majestatem, p. 382—390. with statutes of Edward III.

" November

“ November 6. A.D. 1347.,” because that prince was then a prisoner in England, and a great part of Scotland had submitted to Edward Baliol. It seems to be impossible to discover with certainty at what time, and by whom, the four books of laws called *Regiam Majestatem* were composed and published. They are by many learned men ascribed to David II. chiefly for this reason, that they do not think it probable that they were so ancient as David I. But this argument is evidently not conclusive; and the character given in the preface to these laws of that king, at whose command they were collected, cannot, with any regard to truth, be applied to David II. <sup>44</sup> A collection of laws made by Robert II. in a parliament at Scone, May 2. A.D. 1372., are published among the ancient laws of Scotland <sup>45</sup>. In these statutes, the distinction between murder committed with deliberate purpose, and manslaughter committed in a sudden gust of passion, called *chaudmelle*, is clearly marked <sup>46</sup>: a distinction founded in reason, and worthy of the most serious attention of all criminal judges. In the seventeenth and last chapter of these laws the members of the parliament of Scotland at that time are thus enumerated and described:—  
 “ Prelates, and procurators of prelates, and  
 “ others of the clergy, earls, barons, and bur-  
 “ gesses.” <sup>47</sup> From the same statute we learn,

<sup>44</sup> See *Regiam Majestatem*, Preface.<sup>45</sup> Id. p. 391.<sup>46</sup> Id. p. 391—393.<sup>47</sup> Id. p. 398.

that

that the King, at the conclusion of this parliament, promised, on the word of a prince, that he would observe all the laws that had been made in it; and his eldest son, afterwards Robert III., and all the members of the parliament, both clergy and laity, took a solemn oath on the holy gospels to the same purpose <sup>48</sup>: a sufficient proof that laws had not a proper degree of authority, when such a ceremony was thought necessary.

#### SECTION V.

*Changes in the Constitution, Government, and Laws, of Britain, from the accession of Richard II. A.D. 1377. to the accession of Henry IV. A.D. 1399.*

THE constitution and government of England may not improperly be compared to a ship that hath been long at sea, exposed to many violent storms, and in frequent danger of being beat to pieces. Few of those storms were more violent than that which was raised by the villains or common people in the country, A.D. 1381., and threatened the subversion of all order, law, and government <sup>1</sup>. But as the history of that dangerous commotion hath been already given, it is sufficient to observe in this place, that it made no change in the constitution, and that the peasants engaged in it were reduced to the same

<sup>48</sup> Regiam Majestatem, p. 398.

<sup>1</sup> Walsing. p. 247—279.

state of depression and servitude under which they had formerly groaned.<sup>2</sup>

The parliament of England having undergone many changes, and assumed various forms, about the beginning of this reign approached very near to that happy form in which it hath almost ever since continued. It then consisted, as it doth at present, of the two houses of lords and commons, which regularly met, and held their deliberations in two distinct apartments.

Parliament.

The house of lords consisted of all the great men, both of the clergy and laity, who held immediately of the crown by barony, which comprehended all the archbishops and bishops, many abbots, and a few priors, who were the lords spiritual; all the dukes, earls, and barons, who were the lords temporal. Every spiritual and temporal lord received a particular summons to every parliament.<sup>3</sup> The justices of the king's bench and common pleas, and the members of the King's privy council, who were neither prelates nor barons, were also summoned in the same manner.<sup>4</sup> According to this scheme, the house of lords, in the first parliament of Richard II. consisted of the archbishops and bishops, twenty-two abbots, and two priors, one duke, thirteen earls, forty-seven barons, and twelve judges and privy counsellors.<sup>5</sup> A greater number of abbots and priors were sum-

House of lords.

<sup>2</sup> Statutes, vol. 1. p. 352.

<sup>3</sup> Dugdale's Summons, &c. p. 293.

<sup>4</sup> Dugdale's Summons, &c. p. 296.

<sup>5</sup> Id. ibid.

moned

moned to some parliaments than to others<sup>6</sup>. To that of 49th Henry III., no fewer than sixty-three abbots and thirty-six priors were summoned; whereas not a fourth part of that number were called to several subsequent parliaments in this period<sup>7</sup>. The chief reason of this great variation seems to have been this, that these prelates, in order to be relieved from the expence and trouble of attending parliaments, laboured earnestly to procure exemptions from that service, in which many of them succeeded. Those of them who could plead that they did not hold their lands *per baroniam* (by barony) of the crown, were immediately exempted<sup>8</sup>. The king claimed and exercised the prerogative of calling up to the house of lords, by a particular summons to each of them, some of the most opulent and illustrious knights, though they did not hold their lands of the crown by barony; and such of these knights as were regularly summoned for a considerable time, became lords of parliament, and barons, by virtue of these writs of summons. This honour was commonly continued to their heirs, who were summoned to parliament in the same manner<sup>9</sup>. In this reign the custom of creating barons by patent was introduced, conferring upon the person so created, and his heirs-male, the honour and dignity of a baron by a certain title, with all the other privileges of the

<sup>6</sup> Selden, Tit. Hon. p. 596—604.

<sup>7</sup> Dugdale's Summons, p. 1, 2.

<sup>8</sup> Selden, Tit. Hon. p. 605—608.

<sup>9</sup> Id. p. 591—610.



peerage. Sir John Beauchamp of Holt, steward of the household to Richard II., was the first baron in England of this kind, who was created Lord Beauchamp, baron of Kidderminster, by patent, A.D. 1388.<sup>10</sup> At the conclusion, therefore, of this period, the house of lords consisted of barons of three different kinds, viz.—barons by tenure,—barons by writs of summons,—and barons by patent.

The house of commons, consisting of the knights of shires, with the representatives of cities and boroughs, was now so completely formed, that it was found necessary to chuse one of their own members, at the beginning of every parliament, to preside in their debates, and communicate what they thought proper, in their name, to the king and the house of lords. The member who was chosen to perform these offices was very properly called *the speaker of the house of commons*. Sir Peter de la More, knight of the shire for the county of Hereford, was chosen speaker by the commons in the first parliament of Richard II., A.D. 1377., and is the first upon record who bore that honourable office". At his first appearance before the king in the house of lords, at the head of the commons, he made the following protestation: "That what he had to declare was from the whole body of the commons; and therefore required, that if he should

House of commons.

<sup>10</sup> See also, Tit. Hon. p. 657, 618.

<sup>11</sup> Cotton. Abridg. p. 155. Parliament Hist. p. 359.

“happen to speak any thing without their consent, that it should be amended before his departure from the said place<sup>12</sup>.” Sir James Pickering, the second speaker on record, made this humble request in the name of the commons, “That if he should utter any thing to the prejudice, damage, slander, or disgrace of the king, or his crown, or in lessening the honour or estates of the great lords, it might not be taken notice of by the king, and that the lords would pass it by as if nothing had been said; for it was the most ardent desire of the commons, to maintain the honour and estate of the king, and the rights of the crown, as also to preserve the reverence due to the lords in all points<sup>13</sup>.” The king, by his chancellor, or some other great officer, made a speech at the opening of every parliament, representing the reasons of calling it, the greatest of which commonly was, — to obtain a grant of money; and this, it was insisted, should be made before they entered on any other business<sup>14</sup>. The sum to be granted, and the ways and means of raising it, were commonly settled in a committee of lords and commons, and sometimes even by the lords, at the request of the commons<sup>15</sup>. The clergy still continued to grant their own money in convocation, and treated every attempt of the parlia-

<sup>12</sup> Cotton. Abridg. p. 155. Parliament. Hist. p. 339.

<sup>13</sup> Id. 350.

<sup>14</sup> Bishop Ellys's Tracts, vol. 2. p. 92. from the Records.

<sup>15</sup> Parl. Hist. vol. 2. p. 352. 360.

ment to tax them as illegal and unconstitutional.<sup>16</sup> When the parliament at Northampton, A.D. 1380., proposed to raise one hundred thousand pounds by a capitation-tax upon the laity, provided the clergy raised fifty thousand, which was their just proportion, since they possessed a third part of the kingdom; the clergy, who were then met in convocation at the same place, made this haughty reply, "That their grants were never made in parliament, nor ought to be; and that laymen neither could nor should constrain them in that case."<sup>17</sup> When the supplies were settled, the commons were permitted to present their petitions to the king in the house of lords, and such of them as were granted were formed into statutes, in the manner that hath been already mentioned.<sup>18</sup>

The house of commons, even after it was fully established, acted with much modesty and diffidence, and seems to have stood in awe of the king and the house of lords. Of this many examples might be produced: but the following one will probably be thought sufficient. One Thomas Haxey, a clergyman, and a member of the house of commons in that parliament which met at Westminster, January 22. A.D. 1397., proposed to the consideration of the house, a law for reducing the expences of the king's household, and preventing too great a number

Modesty of the house of commons.

<sup>16</sup> Parl. Hist. vol. i. p. 361. Hody's Hist. Convoc. part 3. p. 229.

<sup>17</sup> Parl. Hist. p. 361.

<sup>18</sup> See p. 148.

of bishops and ladies from residing at court. The King being informed of this proposal, was much incensed; and sending for the peers, told them, that he understood there was a bill brought into the house of commons, intrenching upon those prerogatives and royalties which his predecessors had enjoyed, and which he was determined to maintain; and commanded the lords spiritual and temporal to acquaint the commons with this determination, and to charge their speaker, Sir John Buffy, upon his allegiance, to deliver up the bill, with the name of the person who had brought it into the house. When the commons received this message, they came before the King in full parliament, delivered up the obnoxious bill, with the name of its author, and expressed the deepest concern that they had offended His Majesty: most humbly praying him to excuse them, "for that it never was their intent to speak, show, or act any thing which should be an offence or give displeasure to His Majesty." The King was graciously pleased to accept of their excuse. But the House of Lords condemned Mr. Haxey to die the death of a traitor. And this most cruel sentence would probably have been executed upon him, if he had not been a clergyman. But the Archbishop of Canterbury, with all the other prelates, fell on their knees before the King, and most earnestly begged his life, and the custody of his body; which they obtained.<sup>19</sup>

<sup>19</sup> Cotton. Abridg. p. 362.

The sessions of parliament in this, as well as in former periods, were commonly very short, which was attended with many inconveniencies. Laws were made in haste, without due deliberation; and affairs of great importance, which ought to have been discussed in parliament, were left to be determined by the king and his council. To remedy these inconveniencies, certain expedients were sometimes employed; which were productive of still greater evils. In the tenth year of this reign, A. D. 1386., the two houses invested a committee of eleven prelates and peers with parliamentary powers, and compelled the king to grant them a commission to exercise all the prerogatives of the crown, in order to regulate certain affairs which the parliament could not overtake<sup>20</sup>. By this measure the constitution was quite subverted for a season, and before it was restored, almost all who had been concerned either in opposing or promoting the above expedient, were involved in ruin. About ten years after a similar method was adopted, by the parliament that met at Shrewsbury, January 27. A. D. 1398. On the last day of a session that had lasted only four days, the commons presented a petition to the King in the house of lords, to this purpose,—“ That whereas they had before them  
“ divers petitions, as well for special persons and  
“ others not read and answered, and also many  
“ other matters and things had been moved in

Sessions of  
parliament  
short.

<sup>20</sup> Parl. Hist. p. 401.

“ presence of the king, which for shortness of  
 “ time could not be well determined, that it  
 “ would please His Majesty to commit full power  
 “ to certain lords and others, to examine, an-  
 “ swer, and dispatch the petitions, matters, and  
 “ things above said, and all dependencies on  
 “ them.” As this parliament was entirely de-  
 voted to the court, this petition was readily  
 granted by the King; and twelve lords and six  
 commoners were invested with parliamentary  
 powers; which they abused in such a manner,  
 that they brought destruction both on themselves  
 and on their misguided sovereign, who trusted too  
 much to their authority. So dangerous is it for a  
 predominant party to grasp at unconstitutional  
 powers, which they seldom fail to abuse to their  
 own ruin, as well as to the hurt of their country.

Statute  
law.

Many laws that were made in the reign of  
 Richard II., have still a place in our statute-  
 book; but the far greatest part of them have been  
 as effectually repealed by length of time and  
 change of circumstances, as they could have been  
 by fifty acts of parliament. Of this kind are all  
 the laws for regulating the prices of labour and  
 provisions, as well as many others<sup>22</sup>. Some very  
 wise and good laws were made in this reign for  
 the encouragement of navigation, trade, and  
 commerce. By one of these laws it was enacted,  
 that the merchants of England should neither  
 export nor import any goods in any but English

<sup>21</sup> Parl. Hist. p. 492.

<sup>22</sup> Statutes, vol. I. p. 333—424.

ships;

ships; which may be considered as our first navigation act<sup>23</sup>. Some good laws were also made in this reign for increasing the number, and regulating the proceedings, of justices of the peace<sup>24</sup>. Such as desire a more particular knowledge of the statutes made in this period, may have recourse to the statute book, and the ingenious work quoted below.<sup>25</sup>

The common law declined rather than improved in this period. "Richard II., (says an excellent judge) succeeding his grandfather, the dignity of the law, together with the honour of the kingdom, by reason of the weakness of this prince, and the difficulties occurring in his government, seemed somewhat to decline, as may appear by comparing the twelve last years of Edward III., commonly called *quadragesims*, with the reports of King Richard II., wherein appears a visible declination of the learning and depth of the judges and pleaders."<sup>26</sup>

Common law.

The barbarous disorderly custom of maintenance, as it was called, contributed not a little to disturb the peace of the country, and prevent the impartial administration of justice. Maintenance, which prevailed very much through the whole of this reign, is thus defined in a statute made in a parliament at Westminster, A. D. 1377:

Maintenance.

<sup>23</sup> Statutes, vol. 1. p. 351. 398.

<sup>24</sup> Id. p. 380. 386. 398, &c.

<sup>25</sup> Honourable Daines Barrington's Observations on the Statutes, p. 242—282.

<sup>26</sup> Hale's Hist. C. L. p. 169.

—“ Divers people of small revenue of land, rent,  
 “ or other possessions, do make great retinue of  
 “ people, as well of esquires as of others, in  
 “ many parts of the realm, giving to them  
 “ hats and other liveries, of one suit by year,  
 “ taking from them the value of the same livery,  
 “ or percase the double value, by such covenant  
 “ and assurance, that every of them shall main-  
 “ tain other in all quarrels, be they reasonable  
 “ or unreasonable, to the great mischief and op-  
 “ pression of the people.”<sup>27</sup>

Preroga-  
 tives of the  
 crown.

The prerogatives of the crown, and the liberties of the people, were both in a very fluctuating unsettled state in the reign of Richard II. In the *hurling times*, as they were called, towards the beginning of this reign, the insurrections of the commons threatened the dissolution of all government;—about the middle of it, a powerful combination of the nobles annihilated the prerogatives of the crown, and engrossed the whole power of the state;—and towards the end of it, the court-party gained the ascendant; and the weak unhappy Richard, supported by a junto of his favourites, invested with unconstitutional powers by an obsequious parliament, acted in a manner so arbitrary and imprudent, that he lost the affections of his subjects, and gave an opportunity to a bold usurper to deprive him of his crown and life. It is difficult to determine, in which of the above situations the people were

<sup>27</sup> Statutes, vol. i. p. 335.



most oppressed, and the greatest acts of tyranny were perpetrated.

The hereditary revenues of the crown were now become quite inadequate to the expences of government, especially when the nation was engaged in war. This obliged Richard II., who was uncommonly expensive in his household, to make frequent applications to parliaments and convocations for supplies, which were granted almost every year, and consisted, either in additional impositions on merchandise, or in tenths and fifteenths. A tax of a new and singular nature was imposed by parliament, A.D. 1378. This was a capitation tax, proportioned to the different ranks and degrees of men in society; and on that account it merits our attention. The proportions were as follows:

Revenues  
of the  
crown.

A duke, 10 marks;—an earl, 4l.—a countess-dowager, 4l.—a baron, banneret, or knight who had as good an estate as a baron, 2l.—every bachelor and esquire, who by estate ought to be made a knight, 20s.—widows of such bachelors and esquires, 20s.—esquires of less estate, 4s. 7d.—widows of such esquires, 6s. 8d.—esquires without lands, that bear arms, 3s. 3d.—chief prior of the hospital of St. John, 40s.—every commander of the order, 20s.—every knight of the order, 13s. 4d.—every brother of the order, 3s. 4d.—judges of the king's bench and common pleas, and chief baron of the exchequer, each 100s.—every serjeant and great apprentice of the law, 40s.—other apprentices of the law, 20s.—attorneys,

attorneys, 6s. 8d.—mayor of London, 4l.—aldermen of London, 40s.—mayors of great towns, 40s.—mayors of smaller towns, 20s. 10s. or 6s. 8d.—jurats of good towns, and great merchants, 20s.—sufficient merchants, 8s. 4d.—lesser merchants, artificers, and husbandmen, according to the value of their estate, 4s. 8d. 3s. 4d. 2s. 1s. 6d.—every serjeant and freeman of the country, 6s. 8d. or 40d.—the farmers of manors, parsonages, and granges, dealers in cattle, and other tradesmen, according to their estate, 6s. 8d. 40d. 2s. or 1s.—advocates, notaries, and proctors, who are married, shall pay as serjeants of the law;—apprentices of the law, or attorneys, according to their estate, 40s. 20s. or 6s. 8d.—apparitors that are married, according to their estate, 3s. 4d. 2s. 1s.—innkeepers, according to their estates, 40d. 2s. 1s.—every married man above the age of sixteen, for himself and wife, 4d.—every man or woman above sixteen, and unmarried 4d.—every strange merchant, according to his abilities.<sup>23</sup>

<sup>23</sup> Parliament. Hist. vol. i. p. 346, 347.

THE  
HISTORY  
OF  
GREAT BRITAIN.

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BOOK IV.

CHAP. IV.

*History of Learning in Great Britain, from the death of King John, A.D. 1216., to the accession of Henry IV. A.D. 1399.*

THERE seems to have been a succession of light and darkness in the intellectual as well as in the material world. How bright, for example, was the sunshine of the Augustan age? and how profound the darkness of that long night which succeeded the fall of the western empire? From that darkness Britain, and some other nations of Europe, began to emerge a little in the eleventh and twelfth centuries, as hath been made

made appear in the fourth chapter of the preceding book of this work. In the thirteenth and fourteenth centuries, which are the subject of our present enquiries, though the state of learning was fluctuating, and some parts of it perhaps declined a little; yet, upon the whole, the circle of the sciences was enlarged, and some of them were considerably improved. This, it is hoped, will be evident from the following very brief account—1. Of the sciences that were cultivated.—2. Of the most learned men who flourished.—3. And of the most considerable seminaries of learning that were established in Britain in the present period.

## SECTION I.

*An account of the Sciences that were cultivated in Britain, from A.D. 1216. to A.D. 1399.*

**A**LL the following sciences were cultivated in the present period, as many of them had been in the former, viz. grammar, rhetoric, logic, metaphysics, physics, ethics, scholastic divinity, the canon law, the civil law, the common law, arithmetic, geography, geometry, astronomy, astrology, optics, mechanics, chymistry, alchymy, medicine, and surgery. And as an account hath been already given of many of them, it will not be necessary to dwell long upon them in this place.\*

\* See vol. 6. p. 89—126.

The grammar of the Latin language was not Grammar. studied with so much diligence and success in this, as it had been in the former period: I know of no British writers of the thirteenth and fourteenth centuries who wrote such pure and classical Latin as John of Salisbury, Peter of Blois, Joseph of Exeter, and several others, who flourished in the twelfth<sup>2</sup>. The improvement of the English language, and the more frequent use of it even by scholars, both in conversation and writing, might be one reason that the Latin was not studied with so much ardour as formerly. The impatience of the youth of those times to engage in the study of the canon law, which was then the high way to wealth and honour, was probably another reason that they did not employ a sufficient portion of their time in the study of the languages<sup>3</sup>. But, whatever might be the reasons of it, the fact is certain, that the Latin used in the most celebrated seats of learning in the thirteenth century was exceedingly barbarous and ungrammatical. Robert Kilwarby Archbishop of Canterbury visited the university of Oxford A.D. 1276., and with great solemnity pronounced a sentence of condemnation against the following phrases, which were commonly used, and even defended in that university: "*Ego currit;—tu currit;—currens est ego,*" &c.<sup>4</sup> Nor was this sentence of the primate, though enforced by very severe sanctions, suffi-

<sup>2</sup> Bulae Hist. Univers. Parisiens. p. 556.

<sup>3</sup> M. Paris an. 1254.

<sup>4</sup> A. Wood, Hist. Univers. Oxon. l. 1. p. 145.

clent to banish those barbarisms, or silence their defenders; for when his successor Archbishop Peckham visited Oxford, A.D. 1284., he found it necessary to pronounce a similar sentence against the same phrases, and others equally ungrammatical.<sup>1</sup>

Greek,  
Hebrew,  
&c.

When the Latin language, which was so much used in churches, colleges, and courts of justice, and in compositions of all kinds, was cultivated with so little care, we cannot suppose that much application was given to the Greek, Hebrew, and Oriental languages. The truth is, they were totally neglected, except by very few; and these few were strongly suspected of being magicians, who studied these unknown languages in order to converse more secretly with the devil.<sup>2</sup> The famous Roger Bacon, who was unquestionably the most learned man of the thirteenth century, and the best acquainted with the state of learning, assures us, that there were not more than three or four persons among the Latins in his time who had any knowledge of the Oriental languages. That excellent person most pathetically lamented this neglect of the languages, and warmly recommended the study of them by the strongest arguments.<sup>3</sup>

Rhetoric.

When the knowledge of the languages was so defective, rhetoric, or the art of pleasing, affecting, and persuasive speaking, could not be cultivated to great advantage. That part of edu-

<sup>1</sup> A. Wood, *Hist. Univers. Oxon.* l. 1. p. 127. <sup>2</sup> Id. *ibid.* p. 130.  
<sup>3</sup> R. Bacon, *Opus Majus*, p. 44—56.

cation however was not quite neglected. Lectures on rhetoric were read in every considerable seat of learning; and such as excelled in it were advanced to the degree of masters or doctors in that art<sup>1</sup>. The Dominicans, Franciscans, and other mendicant friars, studied the arts of declamation with no little diligence; because the success of their begging depended very much on the popularity of their preaching. Bederic de Bary, who was provincial of the Augustinians in England in the fourteenth century, was greatly admired by his contemporaries, and is celebrated by several authors for the eloquence of his preaching.<sup>2</sup>

Logic was one of the fashionable and favourite Logic. studies of the times we are now delineating; but unfortunately it was that quibbling contentious kind of logic which contributes little or nothing to the detection of error, the discovery of truth, or the improvement of right reasoning. It is impossible to give an English reader any distinct ideas of this wrangling art in a few words; and it would certainly be improper to employ many on such a subject. It is sufficient to say that the logic of this period was the art of disputing without end and without meaning;—of perplexing the plainest truths, and giving plausible colours to the greatest absurdities. A logical disputant of this period was not ashamed to argue,

<sup>1</sup> A. Wood, part 2. p. 4.

<sup>2</sup> Bale Script. Brit. cent. 6. n. 51. Fils de Illust. Script. Hist. xiv. n. 675.

with

with as much earnestness as if his life had depended on the issue of the debate,—“ That “ two contradictory propositions might both be “ true.” If any of my learned readers have a taste for this kind of erudition, they may amuse themselves with explaining the propositions in the note below, which were keenly agitated by the logicians of this period”. These frivolous unintelligible disputes were conducted with so much eagerness, that from angry words the disputants sometimes proceeded to blows, and raised dangerous tumults in the seats of learning.”

Much cultivated at Oxford.

This trifling contentious kind of logic flourished first in the university of Paris, and was brought from thence into the English universities, where it was cultivated with too much ardour, particularly at Oxford, which became very famous in the thirteenth century for the number and subtilty of her logical disputants. The decay of this admired art of wrangling was thus pathetically lamented by an affectionate son of that university towards the end of the fourteenth century:—“ That subtile logic

<sup>m</sup> A. Wood, lib. 1. p. 129.

“ 1. Non est suppositio in propositione tam pro propositis de unitate sermonis, quam pro significato.

2. Signum non disponit subiectum in compositione ad predicatum.

3. Ex negativis de predicato finito, sequitur, affirmativa de predicato infinito, sine existentia subiecti.

4. Veritas cum necessitate predicati tamen est cura existentie subiecti.\*

<sup>n</sup> A. Wood, lib. 2. p. 5.

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\* A. Wood, lib. 1. p. 125. 129.

“ and



“ and beautiful philosophy, which rendered our  
 “ mother, the university of Oxford, so famous  
 “ over all the world, is now almost extinguished  
 “ in our schools. As India anciently gloried in  
 “ her precious stones, and Arabia gloried in her  
 “ gold, so the university of Oxford then gloried  
 “ in the multitude of her subtle logicians, and in  
 “ her prodigious treasures of profound philoso-  
 “ phy. But, alas! alas! with grief I speak it, she is  
 “ now hardly able to wipe away the dust of error  
 “ and ignorance from her countenance.”<sup>13</sup>

The metaphysics and natural philosophy of this  
 period, like the logic above described, were more  
 verbose, contentious, and subtle, than useful.  
 Instead of investigating the laws of nature and the  
 properties of things, by sagacious and well-con-  
 ducted experiments, the natural philosophers of  
 those times invented a thousand abstract ques-  
 tions, on which they disputed with great vehe-  
 mence, and wrote many tedious and useless vo-  
 lumes. We may form some idea of the subjects  
 of the disputes and writings of those philosophers  
 from the propositions in these sciences which  
 were solemnly condemned by Archbishop Peck-  
 ham, in his visitation of the university of Ox-  
 ford, A.D. 1284; some of which the reader will  
 find in the note below<sup>14</sup>. These, and some other  
 phi-

Metaphy-  
 sics and  
 physics.

<sup>13</sup> A. Wood, lib. 2. p. 6.

<sup>14</sup> 1. Tot sunt principia quot principiata.

2. Nulla potentia passiva seu diminuta est in materia.

3. Forma corrumpitur in pure nihil, scil. forma substantialis.

4. Privatio est pure non ens, et ipsa est in supercoelestibus.

philosophical tenets of the same kind, particularly this one, — “*Quod in homine tantummodo existit una forma,*” — “That in a man there is “only one form,” — appeared so dangerous to the good archbishop, that he not only condemned them with much solemnity, and subjected such as presumed to teach them to very severe penalties; but he also wrote an account of this important transaction to the Pope and cardinals.”

Experiments.

The very learned and ingenious Friar Bacon laboured with great earnestness, both by his example and writings, to give a different turn to the enquiries of his contemporaries into nature, and to persuade them to have recourse to experiments; which, he observed, were far more convincing and satisfactory than abstract reasonings. This he illustrated by a very familiar example: “Though “it were proved (said he) by sufficient arguments to a man who had never seen fire before, “that it burnt and destroyed things that were put

5. *Conversiva est generatio animalium sicut elementorum.*
  6. *Vegetativa et sensitiva semel sunt in embryone, et nulla prior alia.*
  7. *Omnes formæ priores corrumpuntur per adventum ultimæ.*
  8. *Substantia, quæ est genus generalissimum, non est simplex nec composita.*
  9. *Minimum in prædicamento generum est species specialissima.*
  10. *Tempus non est in prædicamento quantitatis.*
  11. *Non est idem secundum subiectum toto tempore.*
  12. *Non habetur ab Aristotele, quod intellectiva maneat post separationem.\**
- \* A. Wood, lib. 1. p. 130.

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\* A. Wood, lib. 1. p. 130.

“ into it, he would not be fully convinced of this  
 “ truth, by any arguments, till he had put his  
 “ hand, or some combustible thing into the fire;  
 “ which experiment would at once remove all  
 “ doubt, and bring full conviction <sup>16</sup>.” This ex-  
 cellent person, as he assures us, spent no less than  
 two thousand pounds (a great sum in those times)  
 in constructing instruments, and making experi-  
 ments, in the course of twenty years; and it is well  
 known, that by those experiments he made many  
 discoveries, which have excited the admiration of  
 all succeeding ages <sup>17</sup>. But the example and the  
 arguments of this extraordinary man were little  
 regarded by his contemporaries.

Moral philosophy was taught and studied in the Moral phi-  
losophy.  
 schools, in this period, with no little diligence; but  
 in the same dry, contentious, and sophistical man-  
 ner with the other sciences. Many sums (as they  
 were then called) or systems of morality were com-  
 posed, by the most learned schoolmen, consisting  
 of various subtle distinctions and divisions on the  
 several virtues and vices, and of a prodigious num-  
 ber of curious unnecessary questions on each of  
 these divisions. For as the logicians of those times  
 too frequently displayed their acuteness, by per-  
 plexing the plainest truths, and giving plausible  
 colours to the grossest errors; so the moral philo-  
 sophers often employed all their art in explaining  
 away the obligations of the most amiable virtues,

<sup>16</sup> R. Baconi Opus Majus, p. 445.

<sup>17</sup> R. Bacon. in Opere Minore, ch. 17.

and the turpitude of the most odious vices. For example, Nicolas de Ultricuria, a famous professor in the university of Paris, A.D. 1300., laboured, in his public lectures, to convince his scholars that in some cases theft was lawful and pleasing to God. "Suppose (said he) that a young gentleman of a good family, meets with a very learned professor (meaning himself), who is able in a short time to teach him all the speculative sciences, but will not do it for less than one hundred pounds, which the young gentleman cannot procure but by theft, in that case theft is lawful. Which is thus proved.—Whatever is pleasing to God is lawful;—it is pleasing to God that a young gentleman learn all the sciences;—he cannot do this without theft:—Therefore theft is lawful and pleasing to God<sup>18</sup>." Some still more curious examples of this kind of sophistry might be produced, but they are too indelicate to be admitted into this work.<sup>19</sup>

Divinity.

That species of theology known by the name of *school-divinity*, which had been introduced in the former period, was cultivated with uncommon ardour in the thirteenth century, which on that account is called the scholastic age<sup>20</sup>. In that century, many of the most celebrated schoolmen flourished, who were universally admired as prodigies of learning; and honoured with the pompous

<sup>18</sup> Bulæi Hist. Univ. Parisien. tom. 311.

<sup>19</sup> Id. tom. 3. p. 442.

<sup>20</sup> Cave, *Historia Literaria*, p. 699.

titles of *profound, sublime, wonderful, seraphic, angelic doctors*.

The schoolmen of the former period made the scriptures the chief subject of their studies, and the text of their lectures, as some of them still continued to do, who for that reason were called *Bible-divines*. But in the course of the thirteenth century, the holy scriptures, together with those who studied and explained them, fell into great neglect, not to say contempt. The *Bible-doctors* were slighted as men of little learning or acuteness; they had few scholars, and were not allowed an apartment, or a servant to attend them, or even a stated hour for reading their lectures, in any of the famous universities of Europe<sup>21</sup>. The illustrious Roger Bacon inveighed very bitterly against this abuse; and his excellent friend Robert Greathead, Bishop of Lincoln, wrote a pathetic letter to the regents in theology in the university of Oxford on this subject; earnestly intreating them to lay the foundation of theological learning in the study of the scriptures, and to devote the morning-hours to lectures on the Old and New Testaments<sup>22</sup>. But all these remonstrances and exhortations had little or no effect.

The far greatest number, and the most famous of the school-divines of this period, were called *Sententiaries*; because they studied, read lectures, and wrote commentaries on that ancient system of divinity called *the sentences*, written by Peter

<sup>21</sup> A. Wood, *Antiq. Oxon.* l. i. p. 53.

<sup>22</sup> *Id. ibid.* p. 91, 92.

Lombard Archbishop of Paris<sup>23</sup>. Some of the most celebrated of those sententiaries, as John Duns Scotus, Albertus Magnus, Thomas Aquinas, &c. wrote voluminous sums or systems of divinity, consisting of an incredible number of questions and answers on a great variety of subjects<sup>24</sup>. Many of the school-divines applied to the study of letters with uncommon ardour; not a few of them appear to have been men of genius, possessed of great fertility of invention, and of still greater subtilty and acuteness; but want of true taste, and a right direction in their studies, rendered both their genius and application in a great measure useless, if not pernicious. They indulged themselves in a bold, or rather presumptuous freedom of enquiry, into subjects which are beyond the reach of human investigation; which betrayed them into so many errors, that all the singular, whimsical, and pernicious opinions, which have been propagated by modern freethinkers, are to be found in the writings of the school-divines of this period.

History of  
preaching.

The spirit of the school-divinity, which now reigned in all the famous universities of Europe, also took possession of the pulpit, in this period, and a new method of preaching was introduced, much more artificial than those methods of public instruction which had been used in former times.

<sup>23</sup> Cave, Hist. Liter. p. 667. Buzel Hist. Univerf. Parisien. t. 3. p. 657.

<sup>24</sup> Cave, Hist. Liter. p. 727. 732.

The clergy, before this period, chiefly used two ways of preaching. The first of those was called *postillating*; and those who used it were called *postillators*. This consisted in explaining a large portion of scripture, sentence after sentence, in the regular order in which the words lay, making short practical reflections on each sentence. In this age, when it was usual to give every doctor a name expressive of his peculiar excellence, Cardinal Hugo excelled so much in this way of preaching, that he got the name of the *authentic postillator*<sup>25</sup>. This ancient method of public instruction is still used in some foreign churches, and in the church of Scotland, under the name of *lecturing*.

The other ancient way of preaching was called *declaring*; because the preacher, without naming any particular text, declared what subject he designed to preach upon; beginning his sermon with words to this purpose: "In my present sermon, I design, by the grace of God, to discourse on such or such a subject, on the fear of God, for example; and on this subject, I design to lay down some true and certain conclusions," &c. This last way of preaching was most common and most popular, and was not entirely laid aside for more than a century after this period.<sup>26</sup>

The new method of preaching, which was introduced about the beginning of the thirteenth century, was called *the new method of preaching*.

<sup>25</sup> A. Wood. Antiq. Oxon. l. 1. p. 58, 59.

<sup>26</sup> Id. ibid.

century, differed from both those ancient methods in several respects. The preacher, at the beginning of his discourse, read a text out of some book and chapter of the Old or New Testament (which had lately been divided into chapters and verses by Cardinal Langton<sup>27</sup>), as the theme or subject of his sermon. This text he divided into several parts, by the help of that subtle logic and divinity, which were then so much in vogue; and the greater dexterity he discovered in splitting his text into many parts, he was esteemed the greater divine and the better preacher. Having thus divided his text, he formed several heads of discourse on each of these divisions; on which heads he descanted, one after another, subdividing them into many particulars. This new and artificial method of preaching was greatly admired, and generally practised, by the younger clergy of those times. But it was no less warmly opposed and condemned by some of the most learned men of this period, who represented it to be,—a childish playing upon words,—destructive of true eloquence,—tedious and uninteresting to the hearers,—and cramping the imagination of the preacher. Roger Bacon, in particular, speaks of it with great contempt and aversion; and assigns a very singular reason for its gaining ground in his time: “The greatest part of our prelates (says he), having but little knowledge in divinity, and having been little used to preaching in their

<sup>27</sup> Hen. Knyghton, apud Script. col. 2430.



“ youth, when they become bishops, and are  
 “ sometimes obliged to preach, are under a ne-  
 “ cessity of begging and borrowing the sermons  
 “ of certain novices, who have invented a new  
 “ way of preaching, by endless divisions and  
 “ quibblings; in which there is neither subli-  
 “ mity of style nor depth of wisdom, but much  
 “ childish trifling and folly, unsuitable to the dig-  
 “ nity of the pulpit. May God (adds the zealous  
 “ Bacon) banish this conceited and artificial way  
 “ of preaching out of his church; for it will  
 “ never do any good, nor elevate the hearts of  
 “ the hearers to any thing that is great or excel-  
 “ lent.” The opposition to this new method  
 of preaching continued through the whole of the  
 fourteenth and part of the fifteenth century. Dr.  
 Thomas Gascoigne, chancellor of the university  
 of Oxford, tells us, that he preached a sermon in  
 St. Martin’s church, A.D. 1450., without a text,  
 and without divisions, declaring such things as he  
 thought would be useful to the people. Amongst  
 other things, he told them, in vindication of this  
 ancient mode of preaching, — “ That Dr. Au-  
 “ gustine had preached four hundred sermons to  
 “ the clergy and the people, without reading a  
 “ text at the beginning of his discourse; and that  
 “ the way of preaching by a text, and by divi-  
 “ sions, was invented only about A.D. 1200., as  
 “ appeared from the authors of the first sermons

28. R. Bacon, apud A. Wood. p. 59.

“ of that kind.” But this new method of preaching by a text and divisions, which met with such violent opposition, and was introduced by such slow degrees, at length prevailed universally, and still prevails.

Supreme  
authority  
of Aristotle  
in the  
schools.

The supreme authority which Aristotle obtained in the schools of theology, as well as of philosophy, in the course of the thirteenth century, had considerable influence on the state of learning, and even of religion, in this period. The name, and some parts of the writings, of Aristotle, were known in England, and other countries of Europe, long before this time. But it was not till about the middle of the thirteenth century that he obtained a dictatorial authority among learned men, and in the most famous seats of learning that he so long maintained. About that time he began to be called *the philosopher*, by way of eminence. “ He is preferred (says “ Bacon) before all other philosophers, in the “ opinion of all men of learning; whatever he “ hath affirmed is received by them as true and “ sound philosophy; and, in a word, he hath the “ same authority in philosophy that the Apostle “ Paul hath in divinity<sup>29</sup>.” To such an extravagant height was this veneration for Aristotle carried before the middle of the fourteenth century, in some of the most famous universities, particularly in that of Paris, that students were

<sup>29</sup> T. Calf. Lex Theolog. apud A. Wood, p. 59.

<sup>30</sup> Bacon, Opus Majus, edit. à Jebb, p. 36.

obliged

obliged to take a solemn oath to defend the opinions of Aristotle, of his commentator Averrois, and of his other ancient commentators.<sup>31</sup>

Several causes conspired about this time to exalt Aristotle to the supreme dominion of the ideal world. Latin translations of different parts of his writings were published, soon after the beginning of the thirteenth century, by Michael Scot, Alured English, William Fleming, and others; which made them better known, and more generally read than they had formerly been<sup>32</sup>. His logics had long been studied and admired, which procured a favourable reception to his other works, especially from the scholastic divines, to whose taste and genius they were admirably suited. Accordingly we find, that Albert the Great, Thomas Aquinas, John Duns Scotus, and all the most famous schoolmen who flourished in this period, devoted much of their time and thoughts to the study and illustration of the works of Aristotle; and that by the authority of these works they chiefly supported their several systems and opinions<sup>33</sup>. The court of Rome had formerly discouraged the study of Aristotle's works, because they had given rise to certain unprofitable absurdities, which disturbed the peace of the church, without adding to the honours or riches of the clergy.

<sup>31</sup> Bulei Hist. Univers. Parisien. tom. 4. p. 275.

<sup>32</sup> Bacon. Opus Majus, p. 36, 37. Biographia Britannica, 1st edit. vol. 1. p. 342.

<sup>33</sup> Cave, Hist. Literaria, p. 695—756.

Such,

Such, for example, were the errors of the Amaury of Chartres, which were condemned by Pope Innocent III. and by the council of Paris, A.D. 1209.; the council at the same time condemning the metaphysics of Aristotle to the flames, — “because they had not only given rise to the heresies of Amaury, by their subtilties, but might give rise to other heresies not yet invented.” But the court of Rome having soon after discovered, that the same writings which had served to give plausible colours to idle unprofitable errors, might do the same friendly office to more beneficial and lucrative absurdities, changed its conduct, and recommended the study of Aristotle’s works in the warmest manner.”

Pernicious  
to learning.

It must be obvious, that this extravagant veneration for Aristotle, and blind submission to his opinions, could not but obstruct the progress of real knowledge; especially when it is considered, that very few of his admirers, in this period, were capable of reading his works, in their original language, but became acquainted with them only in very faulty incorrect translations. We are assured by the illustrious Roger Bacon, that there were not above four persons among the Latins in his time who understood Greek; and we have good reason to believe, that even Thomas Aquinas, the most admired of all Aristotle’s commentators,

<sup>24</sup> Du Pin, Eccles. Hist. Cent. xiii. chap. 8. Bruckeri Hist. Philosoph. edit. 1766. tom. 3. p. 689. 695, 801.

<sup>25</sup> Id. ibid. p. 705, 706.

did not understand that language<sup>36</sup>. The very translators of Aristotle's works appear to have been a kind of impostors. Bacon affirms, that Michael Scot borrowed all that he published in his own name from one Andrew a Jew; "and as for William Fleming (says he), every body at Paris knows, that he doth not understand the Greek language, though he pretends to it; and therefore he translates every thing falsely, and corrupts the learning of the Latins". It is no wonder, therefore, that the same learned person declared, "that the time and labour employed in reading these wretched translations were lost; and that if he could have got all the Latin translations of Aristotle's works into his hands, he would have thrown them all into the fire, as they were the great cause of the increase of ignorance and error."<sup>37</sup>

The civil and canon laws were studied in this period by many of the clergy, with uncommon ardour; because the knowledge of these laws not only qualified them for the lucrative employment of advocates or pleaders, but also procured them preferment in the church. "The civil and canon laws," says a contemporary writer, "are in our days so exceedingly profitable, procuring both riches and honours, that almost the whole multitude of scholars apply to the study of them."<sup>38</sup>

<sup>36</sup> R. Bacon. *Opus Majus*, l. 3. ch. 1. *Bruckeri Hist. Philosoph.* tom. 3. p. 802. 804.

<sup>37</sup> *Biograph. Britan.* 1st edit. vol. 1. p. 342.

<sup>38</sup> Rob. Halcot. apud A. Wood, l. 1. p. 260.

<sup>38</sup> *Id. ibid.*

Several

Several other authors of that period complain, that young scholars were so impatient to engage in the study of those laws, that they neglected the study of languages, philosophy, and divinity<sup>40</sup>. To remedy this abuse, Pope Innocent IV. directed a bull on this subject to all the prelates of France, England, Scotland, Wales, Spain, and Hungary, in which he says "That his ears had been  
 "stunned with reports, that great multitudes of  
 "the clergy, neglecting philosophy and theology,  
 "crowded to hear lectures on secular laws; and,  
 "which was still more abominable, that bishops  
 "advanced none to benefices, dignities, and  
 "prebends, in the church, but such as were either  
 "advocates or professors of law. To put a stop  
 "(adds he) to this intolerable evil, I strictly com-  
 "mand, by this irrefragable constitution, that  
 "no advocate, or professor of laws, shall enjoy  
 "any pre-eminence on that account, or be ad-  
 "vanced to any ecclesiastical dignity, prebend,  
 "parsonage, or benefice, unless he be compe-  
 "tently skilled in other sciences<sup>41</sup>." To this bull His Holiness added the following very remarkable clause: — "As in France, England, Scotland,  
 "Wales, Spain, and Hungary, the causes of the  
 "laity are not determined by the Imperial laws,  
 "but by certain secular customs; and as they  
 "might be as well determined by the canons of  
 "the most holy fathers; and as a mixture of

<sup>40</sup> M. Paris, Hist. Ang. an. 1254.

<sup>41</sup> Bulei Hist. Parisien. tom. 3. p. 265.

“ those customs with the canons doth more hurt  
 “ than good; by the advice and at the request  
 “ of our brethren, and other religious men, we  
 “ command, that in the foresaid kingdoms those  
 “ secular laws or customs be no longer taught  
 “ or studied, provided the consent of their kings  
 “ and princes can be obtained.” A modest  
 attempt of His Holiness to abolish the municipal  
 laws of all those countries, and substitute his  
 own canon law in their room.

Geometry, and other branches of mathematical Geometry-  
 learning, were much neglected in the period we  
 are now examining, especially in the former part  
 of that period. Of this the famous Roger Bacon  
 frequently complains. “ The neglect of mathe-  
 “ matics (says he) for these thirty or forty years  
 “ past, hath done great harm to learning among  
 “ the Latins.” This neglect was so great (as  
 he assures us), that very few students proceeded  
 further than to the fifth proposition of the first  
 book of Euclid’s Elements; and that there were  
 not above five or six persons then alive, who had  
 made any considerable progress in mathematical  
 learning.” The truth is, that mathematical  
 studies, in those times, brought neither honour  
 nor profit to those who engaged in them. On  
 the contrary, those few who prosecuted them  
 with ardour and success, were strongly suspected

<sup>42</sup> Bulae Hist. Parisien. tom. 3. p. 265.

<sup>43</sup> R. Bacon. Opus Majus, p. 57.

<sup>44</sup> R. Bacon. apud A. Wood, lib. 1. p. 122.

of holding a criminal correspondence with infernal spirits, and on that account were hated and persecuted as magicians.<sup>45</sup>

Arithme-  
tic.

Arithmetic is useful and necessary in the common affairs of life, as well as in all other arts and sciences, that the attention paid to it is generally proportioned to the necessities of society, and the state of the other sciences. The Arabian numerals were known and used in Britain in this period, and the use of them contributed very much to improve and facilitate arithmetical operations<sup>46</sup>. These operations are thus described by Roger Bacon: "It is necessary that a theologian excel in the knowledge of numbers, and  
" understand all arithmetical operations, viz. numeration, addition, subtraction, mediation, multiplication, division, extraction of the roots,  
" both integers and fractions. He must not only  
" understand vulgar fractions, as halves, thirds, fourths, fifths, &c. &c. but he must also understand astronomical fractions, as minutes, seconds, thirds, fourths, fifths, &c. &c. because  
" in chronological calculations he must have recourse to the motion of the sun and moon, in  
" which such fractions are of capital consideration. He must not only understand the fractions of the Latins and Arabians, but also of  
" the Hebrews, who divide an hour into one

<sup>45</sup> De reo Disquisit. Magic. Nondè Apologie pour les grandes Hommes soupçonner de Magic.

<sup>46</sup> Wallis's Algebra, ch. 4. p. 9—14.

thousand



“ thousand and eighty parts. Besides, it is necessary for him to understand the reduction of fractions of different kinds into those of one kind. For if it happens that among integers there are fractions of different kinds, as  $\frac{1}{2}$ ,  $\frac{1}{3}$ ,  $\frac{2}{3}$ , &c. &c. he will not be able to manage these numbers properly, unless he understand how to reduce these different fractions into one kind of fraction, and so into integers.” The above description, it is probable, contains a system of the arithmetic of the thirteenth century, when Bacon flourished; to which very many valuable additions have since been made. John de Basingstoke, Archdeacon of Leicester, who had studied several years at Athens, brought the numeral figures of the Greeks into England, and taught the use of them, in the former part of this period<sup>47</sup>. These figures may be seen, together with a description of the manner of using them, *apud variantes lectiones*, in Mat. Paris, edit. 1644.

Greater attention was given to geography in the present than in the preceding period, both by princes and men of learning and curiosity. Lewis IX. King of France sent a friar named William into Tartary, A. D. 1253., to explore that and other countries; of which he wrote a description. Pope Innocent IV. had about seven years before sent Friar John de Plano Carpini into the same countries; who also wrote a de-

<sup>47</sup> R. Bacon, Opus Majus, p. 138.

<sup>48</sup> M. Paris, Hist. Ang. A. D. 1252. p. 559. col. 1.

scription of Tartary, and of the manners and customs of its inhabitants<sup>49</sup>. From conversing with those and many other travellers, and from reading every thing that had been written on the subject, the indefatigable Friar Bacon composed a description of all the countries of Europe, Asia, and Africa, that were known in the thirteenth century; and whoever will give himself the trouble to peruse that description, will find it both more extensive and more correct than he could have imagined<sup>50</sup>. It appears that this extraordinary person had adorned and illustrated his description by a map in which the latitude and longitude of places were ascertained by meridian and parallel lines, as in our present maps<sup>51</sup>. But unfortunately this map is not to be found in any of the copies of our author's *Opus Majus* yet discovered. It is still more remarkable, that Bacon laboured with great earnestness to prove, that a much greater proportion of our terraqueous globe was dry land, and habitable, especially in the southern hemisphere, than was commonly believed; and that he endeavoured to prove this by the very same arguments which determined Columbus, two centuries after, to go in quest of the new world.<sup>52</sup>

Astronomy.

The following description of the state of astronomy in England in the thirteenth century, drawn by the greatest astronomer of that age and

<sup>49</sup> R. Bacon, *Opus Majus*, p. 190, 191. 233.

<sup>50</sup> *Id. ibid.* p. 180—236.

<sup>51</sup> *Id. ibid.* p. 186.

<sup>52</sup> *Id. ibid.* p. 184, 185.

country,

country, will be more satisfactory than any thing that can be said on that subject by a modern writer. "Astronomy is the study of the heavenly bodies; by which their dimensions, distances, motions, &c. are investigated. It is either speculative or practical. Speculative astronomy ascertains the number of the heavens and stars, whose dimensions can be comprehended by instruments; and discovers their figures, magnitudes, altitudes, densities, risings, settings, and motions, together with all the varieties and degrees of their eclipses. It even condescends to speculate concerning the figure and dimensions of this earth which we inhabit, and of its larger divisions, which are called climates, and shews the diversity of the horizons, and of days and nights, in each of these climates. By speculative astronomy all these things, and many others connected with them, are determined. Practical astronomy teaches us to discover the places, aspects, influences, and changes of the stars and planets, at any particular time. It attends also to those bodies which occasionally appear in the air, as comets and rainbows, in order to discover their places, altitudes, magnitudes, figures, and many other things which it is necessary to know. These things are done by proper instruments, by astronomical tables, and by certain rules and canons invented for that purpose. All these investigations are intended to enable the astronomer to pronounce a judg-

“ment on what things can be done by the power  
 “of philosophy, not only on matter, but on all  
 “beings connected with matter, and guided by  
 “the influences of the heavenly bodies : as also,  
 “to pronounce a judgment on future events, as  
 “well as on those that are past and present ; and  
 “to advance wonderful works, for promoting the  
 “prosperity, and preventing the misery, of man-  
 “kind, in the most beneficent and illustrious  
 “manner.” To the above description a de-  
 velopement or elucidation of its several parts,  
 of no less than two hundred folio pages, is sub-  
 joined.

Astrology.

The learned reader will perceive, that what is called *practical astronomy* in the above description, is no other than judicial astrology ; which was more highly admired, and more ardently cultivated, in the middle ages, than any other part of learning. In this vain fallacious science Friar Bacon was a great adept, and so great a believer, that he imputed all the wars and other calamities, which afflicted England, Spain, Italy, and other countries, A. D. 1264., to the neglect of astrology. “O how happy had it been for the church  
 “of God, and how many mischiefs would it have  
 “prevented, if the aspects and qualities of the  
 “heavenly bodies had been predicted by learned  
 “men, and known to the princes and prelates of  
 “those times ! There would not then have been  
 “so great a slaughter of Christians, nor would so

“ R. Bacon, Opus Majus, p. 65.

“ many

“ many miserable souls have been sent to hell.” But it should be remembered, that this was the foible of the age rather than of the man ; and that though astrology was fallacious, the study of it contributed not a little to preserve and improve astronomy.

Astronomical instruments, particularly the quadrant, the astrolabe, and specula, or spying-glasses, are frequently mentioned by the writers of this period. The quadrant is well known, and in daily use. The construction and various uses of the astrolabe are fully described by the famous poet Geoffrey Chaucer, in a treatise composed A. D. 1391.<sup>54</sup> The construction of the specula or spying-glasses used by the astronomers of this period is not so well known. There is however sufficient evidence, that they were applied to the same purposes, and answered the same ends, with our telescopes, which are thought to be of much later invention. “ Specula, or spying-glasses “ (says Roger Bacon), may be erected on a rising “ ground, opposite to cities or armies, in such a “ manner that all things done by the enemy may “ be discovered ; and this may be done at any “ distance we please. For, according to the laws “ of optics, an object may be viewed through as “ many glasses as we think fit, if they are properly placed ; and they may be placed, some “ nearer and some more remote, so that the

Mathematical instruments.

<sup>54</sup> R. Bacon, *Opus Majus*, p. 243.

<sup>55</sup> See Chaucer's *Works*, edit. 1721. p. 439—451.

“ object may be seen at any distance we desire. —  
 “ Spying-glasses may be so formed, and so placed,  
 “ that we shall be able to read the smallest letters  
 “ at an incredible distance, to number even the  
 “ dust and sands, and to make the sun, moon,  
 “ and stars, to descend, or at least seem to de-  
 “ scend, from heaven.” From these passages,  
 to which several others might be added, it ap-  
 pears to be undeniable, that this learned friar  
 was in possession of an instrument of similar use  
 and construction with our telescope, though not,  
 perhaps, so neat and portable.<sup>57</sup>

Optics.

The science of optics, was not known or taught  
 in England till about the middle of the thirteenth  
 century. We learn from the best authority, that  
 no lectures had been read on that subject, at  
 Paris, or at any other place among the Latins,  
 except twice at Oxford, before A. D. 1267.; and  
 that there were only three persons then in Eng-  
 land who had made any considerable proficiency  
 in that science<sup>58</sup>. Friar Bacon was one of those  
 three; and that he had made great proficiency  
 in it, we have the clearest evidence still remain-  
 ing, in his admirable treatise (*De Scientia Per-  
 spectiva*) of the science of perspective<sup>59</sup>. In this  
 treatise he hath explained at great length, and  
 with wonderful perspicuity, the theories of re-  
 flected vision or catoptrics, and of refracted vision

<sup>56</sup> R. Bacon, *Opus Majus*, p. 357.

<sup>57</sup> See Plot's *History of Oxfordshire*, p. 215.

<sup>58</sup> A. Wood, *Hist. Oxon.* l. i. p. 122.

<sup>59</sup> Vide *Opus Majus*, p. 256—358.

or dioptrics, as well as of direct vision or optics; and from these theories he hath deduced many useful inventions; and, amongst others, that of reading-glasses, which are thus plainly described: “ If a man view letters, or other small objects, through the medium of a chrystal or glass, which is the lesser portion of a sphere, whose convexity is towards the eye, he will see the letters much better, and they will appear to him larger. This instrument is useful to old men, and to those who are weak-sighted, because by it they may see the smallest letters of sufficient magnitude<sup>60</sup>.” By his skill in catoptrics, he rivalled Archimedes in the constructing of burning-glasses. “ I have caused many burning-glasses (says he) to be made, in which, as in a mirror, the goodness of nature may be displayed. Nor are they to be accounted too expensive, when we consider the wonderful and useful things they can perform. The first I got made cost me sixty pounds of Parisian money, equal to about twenty pounds sterling: but afterwards I got a better one made for ten Parisian pounds, or five marks sterling; and since I have become more expert, I have discovered that better ones may be made for two marks, nay, for twenty shillings, or even cheaper. But in this great attention and dexterity are required<sup>61</sup>.” In a word, there is the clearest evidence in the works of this won-

<sup>60</sup> Vide Opus Majus, p. 352.

<sup>61</sup> R. Bacon, Opus Majus, Præfat. p. 9. n.

derful man, that he was acquainted with the construction of all the different kinds of instruments for viewing objects to advantage, which have been so much admired as modern inventions.”

*Mechanics.*

The study of mechanics as a science was introduced into England about the same time with the study of optics, and probably by the same persons. This much at least is certain, that Friar Bacon had acquired so extensive a knowledge of the mechanical powers, and their various combinations, and had thereby performed so many surprising things, that he was suspected of being a magician. To remove that suspicion, he wrote his famous epistle concerning the secret operations of art and nature, and the nullity of magic<sup>61</sup>. In that epistle he reprobates the use of magical characters, verses, incantations, invocation of spirits, and various other tricks, as criminal impositions on the credulity of mankind: and affirms that more wonderful works may be performed by the combined powers of art and nature, than ever were pretended to be performed by the power of magic. “ I will now (says he) mention some of  
“ the wonderful works of art and nature, in  
“ which there is nothing of magic, and which  
“ magic could not perform. Instruments may  
“ be made, by which the largest ships, with only  
“ one man guiding them, will be carried with  
“ greater velocity than if they were full of sailors.

<sup>61</sup> Vide Ola Borrick, De Ortu et Progressu Chemiæ, apud Manget, Bibliothec. Chemic. tom. I. p. 31. Ibid. p. 620.

<sup>62</sup> Manget, Bibliotheca Chemica, tom. I. p. 616—626.



“ — Chariots may be constructed that will move  
 “ with incredible rapidity, without the help of  
 “ animals; — instruments of flying may be formed,  
 “ in which a man sitting at his ease, and meditat-  
 “ ing on any subject, may beat the air with his  
 “ artificial wings, after the manner of birds; — a  
 “ small instrument may be made to raise or de-  
 “ press the greatest weights: — an instrument  
 “ may be fabricated, by which one man may draw  
 “ a thousand men to him by force, and against  
 “ their wills; — as also machines which will en-  
 “ able men to walk at the bottom of seas or rivers  
 “ without danger: — That all those instruments  
 “ are made in our times, is most certain, and I  
 “ have seen them all, but that for flying, which I  
 “ have never seen, though I am well acquainted  
 “ with the wise man who invented it.”<sup>4</sup>

Another science which was introduced into Chymistry.  
 England in the course of the thirteenth century,  
 was chymistry, or, more properly, alchymy; for  
 it plainly appears from their writings, that the  
 great object which the chymists of this period  
 had in view was to obtain these two things: —  
 1. An universal medicine for the cure of all  
 diseases, and for prolonging life beyond its usual  
 limits; — 2. The philosopher’s stone, the powder  
 of projection, or grand elixir, for transmuting  
 baser metals into gold and silver<sup>5</sup>. That both  
 these things were attainable, they seem to have

<sup>4</sup> Manget, *Bibliotheca Chemica*, t. 1. p. 619.

<sup>5</sup> Vide Manget, *Bibliotheca Chemic.*

been

been fully persuaded; and as they are evidently very desirable, they were most ardent and indefatigable in their efforts to obtain them; and to this must be ascribed the rapid progress of chymistry, and the prodigious number of chymists who flourished in this period. The famous Friar Bacon, who was one of the most active and intelligent, as well as one of the most honest and communicative, of those ancient chymists, speaks with great confidence of the reality of a medicine which would answer both the purposes of prolonging life and transmuting metals: "That  
 " medicine (says he) which could remove all the  
 " impurities of baser metals, and change them  
 " into the finest gold and silver, could also re-  
 " move all the corruptions of the human body,  
 " to such a degree, that life might be prolonged  
 " through many ages<sup>66</sup>." The two greatest princes who filled the throne of England in this period, Edward I. and Edward III. were great believers in the art of alchymy, and courted or pressed the most famous alchymists into their service. The celebrated Raymond Lully came into England on the pressing invitation of Edward I., and is said to have furnished that prince with a very great quantity of gold for defraying the expence of an intended expedition into the Holy Land<sup>67</sup>. Of this last circumstance Lully himself is silent; though he mentions several of his

<sup>66</sup> Bacon, *Opus Majus*, p. 472.

<sup>67</sup> Ola Borrick, *apud Manget*, tom. i. p. 44.

transf-

transactions in England, particularly the following very remarkable one: "You saw, O King! in thy secret chamber of St. Katherine, in the tower of London, that wonderful projection which I made in thy presence on chrystal, which I changed into a mass of the purest adamant (diamond), more precious than that which is natural, of which thou causedst to be made some little pillars for the tabernacle of God." The following curious proclamation was published by Edward III. A.D. 1329., which is a sufficient evidence of his belief in the art of alchymy:—"Know all men, that we have been assured, that John Rows and Mr. William de Dalby know how to make silver by the art of alchymy; that they have made it in former times, and still continue to make it; and considering that these men, by their art, and by making that precious metal, may be profitable to us, and to our kingdom, we have commanded our well-beloved Thomas Cary to apprehend the aforesaid John and William, wherever they can be found, within liberties or without, and bring them to us, together with all the instruments of their art, under safe and sure custody."

It is more than probable, that these two great Alchymy. princes, and the other believers in alchymy, were deceived, and in the end disappointed. But it

<sup>a</sup> Ola Borrick, apud Manget, tom. 1. p. 28.

<sup>b</sup> Rymeri Fœdera, tom. 4. p. 384.

cannot be denied, that some of the alchymists of the thirteenth century, as Albert the Great, Raymond Lully, and Friar Bacon, were men of great sagacity as well as industry; and that, when they were engaged in the ardent pursuit of the grand elixir and universal medicine, they made many useful and curious discoveries, which would have excited the admiration of a more enlightened age. This is acknowledged by the most capable judges: "To speak my mind (says Boerhaave) freely, I have not met with any writers on natural philosophy, who treat of the nature of bodies so profoundly, and explain the manner of changing them so clearly, as those called *alchymists*. To be convinced of this, read carefully their genuine writings; for instance, the piece of Raymond Lully, which he entitles *Experiments*; you will find him, with the utmost clearness and simplicity, relating experiments which explain the nature and actions of animals, vegetables, and fossils; after this you will hardly be able to name any author wherein physical things are treated of to so much advantage."<sup>70</sup>

Discovery  
of gun-  
powder.

It will be sufficient to mention one, out of many of their discoveries. Nothing can be more certain than that Friar Bacon had discovered the composition of gunpowder, and the terrible effects it was capable of producing, both which he hath described in several parts of his works, though these things are generally supposed to have been first

<sup>70</sup> Boerhaave's Chymistry, vol. I. p. 200.

discovered almost a century after his death. In one place, he says,—“ Sounds like thunder, and “ corruscations, may be made in the air, and even “ with greater horror than those which are made “ by nature. For a little matter, properly prepared, about the bigness of a man’s thumb, “ makes a horrible noise, and produces a dreadful “ corruscation; and by this a city or an army may “ be destroyed in several different ways.” In the last chapter of the same treatise, concerning the secret operations of art and nature, he discovers the ingredients of which this terrible thundering composition is made; “ By saltpetre, sulphur, and the powder of wood-coal, you may “ make this thunder and corruscation, if you “ understand the art of compounding them.”

It is true, that in the original, the letters which compose the words *carbonum pulvere* (powder of wood-coal) are not placed in their proper order. But this is evidently done to prevent the art of making this dangerous composition from being commonly known and practised, because he knew that it might be employed to very pernicious purposes.

Medicine was considerably improved in the period we are now examining, which seems to have been owing to the following causes. Much greater attention was given to the education of

<sup>71</sup> R. Bacon de Secretis Operibus Artis et Naturæ, apud Manget, tom. 1. p. 620.

<sup>72</sup> Id. ibid. p. 124. Biographia Britan. art. Bacon. Freind’s History of Physic, vol. 2. Append. No. 5.

physicians than formerly, and stricter rules prescribed for regulating the time and manner of their studies. By the laws of the famous medical school of Salerno, made A. D. 1237., and afterwards adopted in other seats of learning, the scholars were obliged to spend three years in the study of philosophy, and five years in the study of medicine, and then to be strictly examined by two doctors of physic, before they could receive a licence to practise<sup>73</sup>. The distinction between physicians, surgeons, and apothecaries, was now well understood and much regarded; which could not but contribute to render them all more expert and skilful in their professions<sup>74</sup>. The works of the most famous Arabian physicians were now translated into Latin, and read with great avidity; by which the knowledge which these physicians had derived from the Greeks, as well as the discoveries they had made themselves, came to be more generally known<sup>75</sup>. And finally, the introduction of chymistry must have contributed to the improvement of medicine, by furnishing physicians with tinctures, elixirs, and other chymical preparations, unknown to their predecessors.<sup>76</sup>

The clergy  
physicians,  
and some  
of the laity.

The clergy still continued to teach and practise medicine; and the greatest number of physicians were of that order in this period<sup>77</sup>. But some of the laity now began to make a figure in this pro-

<sup>73</sup> Bulae Hist. Univer. Paris. tom. 3. p. 158.

<sup>74</sup> Rymeri Fœd. t. 5. p. 486.

<sup>75</sup> Dr. Freind's History of Physic, v. 2. p. 231.

<sup>76</sup> Id. ibid. p. 250.

<sup>77</sup> Annal. Dunstap. p. 467.

feſſion, and a few of them even commenced authors. Gilbert Engliſh, who flouriſhed in the thirteenth century, is the moſt ancient medical writer of England whoſe works have been printed. His learning and ſkill in medicine are greatly extolled by Leland and Biſhop Bale; but Dr. Freind, who was a much better judge in matters of this kind, is more moderate in his commendations, and contents himſelf with ſaying,—“ That he wrote as well as any of his contemporaries in other nations; and did no more than they did, if he took the bulk of what he compiled from the writings of the Arabians.”<sup>78</sup>

Gilbert  
Engliſh.

John de Gaddeſden was the next medical writer of England whoſe works have been preſerved and printed. He flouriſhed in the fourteenth century, and was educated in Merton college, Oxford<sup>79</sup>. “ Having acquired (ſays Leland) a thorough knowledge of philoſophy, he applied with great ardour to the ſtudy of medicine, in which he made ſo great proficiency, that he was juſtly eſteemed the great luminary of his age. He wrote a large and learned work on medicine, to which, on account of its excellence, the illuſtrious title of *the Medical Roſe* was given<sup>80</sup>.” Our author’s *Medical Roſe* is a very curious work, containing a comprehensive ſyſtem of medicine as it was practiſed in England in the fourteenth century. In treating of each diſeaſe, he gives, 1ſt,

John Gad-  
deſden.

<sup>78</sup> Bale, cent. 3. p. 256. Freind, vol. 2. p. 268. Leland, p. 356.

<sup>79</sup> A. Wood, lib. 2. p. 87.

<sup>80</sup> Leland, p. 355.

The etymology of its name, and a general description of its nature; 2dly, The symptoms; 3dly, The prognostics; 4thly, The method of cure". From this last part, which abounds in receipts, it plainly appears that the physicians of this period were not sparing of their drugs, and that their prescriptions were very complicated". It must also be confessed, that the methods of cure recommended by our author are some of them very whimsical, and others superstitious. What can be more whimsical than the following treatment of a patient in the small-pox, immediately after the eruption? "After this, cause  
 "the whole body of your patient to be wrapped  
 "in red scarlet cloth, or in any other red cloth,  
 "and command every thing about the bed to be  
 "made red. This is an excellent cure. It was  
 "in this manner I treated the son of the noble  
 "King of England, when he had the small-pox;  
 "and I cured him without leaving any marks".

The patient whom he treated in this manner must have been either Edward III., or his brother Prince John of Eltham. Can any thing be more superstitious than the following method of attempting to cure the epilepsy, which appears to have been recommended by all the most famous physicians of those times, as well as by our author? "Because there are many children and  
 "others afflicted with the epilepsy who cannot

" Vide Ros. Ang. passim, edit. 1491.

" Id. ibid.

" Id. p. 51.

" take



“ take medicines, let the following experiment  
 “ be tried, which is recommended by Constantine,  
 “ Walter, Bernard, Gilbert, and others,  
 “ which I have found to be effectual, whether  
 “ the patient was a demoniac, a lunatic, or an  
 “ epileptic. When the patient and his parents  
 “ have fasted three days, let them conduct him  
 “ to a church. If he be of a proper age, and in  
 “ his right senses, let him confess. Then let  
 “ him hear mass on Friday, during the fast of  
 “ *quatuor temporum*, and also on Saturday. On  
 “ Sunday, let a good and religious priest read  
 “ over the head of the patient, in the church, the  
 “ gospel which is read in September, in the time  
 “ of vintage, after the feast of the Holy Cross.  
 “ After this let the priest write the same gospel  
 “ devoutly, and let the patient wear it about his  
 “ neck, and he shall be cured. The gospel is,  
 “ — This kind goeth not out but by prayer and  
 “ fasting<sup>84</sup>.” The truth is, that though John de  
 Gaddeſden was at the head of his profession, con-  
 sulted by the greatest princes, and celebrated by  
 the greatest poets of his age, he appears to have  
 been little better than an artful, interested quack,  
 of some reading, and furnished with a prodigious  
 number of receipts, which he had collected from  
 all hands, and applied often more to his own ad-  
 vantage than to that of his patients<sup>85</sup>. But it  
 ought to be remembered, that the empirical su-  
 perstitious practices of our author and his con-

<sup>84</sup> Vide Ros. Ang. edit. 1491. p. 78.<sup>85</sup> Chaucer, p. 4. col. 2.

temporaries were in a great measure owing to the general ignorance, credulity, and superstition of the times in which they flourished.

Royal  
touch.

To the same causes we must impute the high reputation of the royal touch, at this time, for the cure of the scrophula, of which Archbishop Bradwardine, A. D. 1349., wrote in these strong terms: "Whoever thou art, O Christian! who deniest  
" miracles, come and see with thine own eyes,  
" come into England into the presence of the king,  
" and bring with thee any Christian afflicted with  
" king's-evil; and though it be very ugly, deep,  
" and inveterate, he will cure him in the name  
" of Jesus Christ, by prayer, benediction, the sign  
" of the cross, and the imposition of hands."

Surgery.

It seems to be impossible to give a better account, in fewer words, of the state of surgery in this period, than that which is contained in the following passage of a system of surgery, composed by Guido de Cauliaco, A. D. 1363.: "The practitioners in surgery are divided into five sects.  
" — The first follow Roger and Roland, and the  
" four masters, and apply pultices, to all wounds  
" and abscesses; — the second follow Brunus and  
" Theodoric, and in the same cases use wine  
" only; — the third follow Saliceto and Lan-  
" franc, and treat wounds with ointments and  
" soft plasters; — the fourth are chiefly Germans,  
" who attend the armies, and promiscuously use  
" charms, potions, oil, and wool; — the fifth are

\* Bradwardine de Causa Dei, l. i. ch. 4. p. 39.

“old women and ignorant people, who have recourse to the saints in all cases”. John Arden, who removed from Newark to London in the time of the great plague, A.D. 1349., was the most famous surgeon and writer on surgery who flourished in England in this period.”

## SECTION II.

*History of the most learned men who flourished in Britain, from A.D. 1216., to A.D. 1399.*

IT hath been already observed, and must always be remembered, that “the laws of general history, and the limits of this work, will admit only of a very brief account of a few who were most eminent for their learning in every period.”<sup>1</sup>

Robert Grouthead or Greathead, the very learned and famous Bishop of Lincoln, was born at Stow in Lincolnshire, or (according to others) at Stradbroke in Suffolk, in the latter part of the twelfth century<sup>2</sup>. His parents were so poor that, when a boy, he was reduced to do the meanest offices, and even to beg his bread; till the Mayor of Lincoln, struck with his appearance, and the quickness of his answers to certain questions, took

Robert  
Grouthead.

<sup>1</sup> Guido de Cauliaco, apud Freind, vol. 2. p. 320.

<sup>2</sup> Id. ibid. p. 323.

<sup>3</sup> Vol. 6. p. 121.

<sup>4</sup> Anglia Sacra, tom. 2. p. 326. Tanner, Bibliothec. Britan. p. 345.

him into his family, and put him to school<sup>3</sup>. Here his ardent love of learning, and admirable capacity for acquiring it, soon appeared, and procured him many patrons, by whose assistance he was enabled to prosecute his studies, first at Cambridge, afterwards at Oxford, and at last at Paris<sup>4</sup>. In these three famous seats of learning, he spent many years in the most indefatigable pursuit of knowledge, and became one of the best and most universal scholars of the age. He was a great master, not only of the French and Latin, but also of the Greek and Hebrew languages, which was a very rare accomplishment in those times. We are assured by Roger Bacon, who was intimately acquainted with him, that he spent much of his time for almost forty years, in the study of geometry, astronomy, optics, and other branches of mathematical learning, in all which he very much excelled<sup>5</sup>. Theology was his favourite study, in which he read lectures at Oxford, with great applause<sup>6</sup>. In the mean-time, he obtained several preferments in the church, and was at length elected and consecrated Bishop of Lincoln, A.D. 1235.<sup>7</sup> In this station he soon became very famous by the purity of his manners, the popularity of his preaching, the rigour of his discipline, and the boldness with which he reproved

<sup>3</sup> Ang. Sacra, p. 328, 329.

<sup>4</sup> Id. p. 330. Tanner, Bibliothec. Britan. p. 345, 346. A. Wood, Hist. Oxon. l. i. p. 82.

<sup>5</sup> R. Bacon, apud A. Wood, Hist. Oxon. l. i. p. 82.

<sup>6</sup> Id. ibid.

<sup>7</sup> Tanner, p. 346. M. Paris, ann. 1235. p. 280.

the vices, and opposed the arbitrary mandates, of the court of Rome ; of this last it may be proper to give one example. Pope Innocent IV. had granted to one of his own nephews named Frederick, who was but a child, a provision to the first canon's place in the church of Lincoln that should become vacant ; and sent a bull to the Archbishop of Canterbury, and Innocent, then papal legate in England, commanding them to see the provision made effectual ; which they transmitted to the Bishop of Lincoln. But that brave and virtuous prelate boldly refused to obey this unreasonable mandate, and sent an answer to the papal bull, containing the following severe reproaches against His Holiness, for abusing his power : “ If we except the sins of Lucifer and “ Antichrist, there neither is nor can be a greater “ crime, nor any thing more contrary to the doctrine of the gospel, or more odious and abominable in the sight of Jesus Christ, than to ruin “ and destroy the souls of men, by depriving “ them of the spiritual aid and ministry of their “ pastors. This crime is committed by those who “ command the benefices intended for the support of able pastors, to be bestowed on those “ who are incapable of performing the duties of “ the pastoral office. It is impossible therefore “ that the holy apostolic see, which received its “ authority from the Lord Jesus Christ, for edification, and not for destruction, can be guilty “ of such a crime, or any thing approaching to “ such a crime, so hateful to God, and so hurtful

“to men. For this would be a most manifest  
 “corruption and abuse of its authority, which  
 “would forfeit all its glory, and plunge it into  
 “the pains of hell.” Upon hearing this letter,  
 His Holiness became frantic with rage, poured  
 forth a torrent of abuse against the good bishop,  
 and threatened to make him an object of terror  
 and astonishment to the whole world. “How  
 “dare (said he) this old, deaf, doating fool, dis-  
 “obey my commands? Is not his master the  
 “King of England my subject, or rather my  
 “slave? Cannot he cast him into prison, and  
 “crush him in a moment?” But the cardinals  
 by degrees brought the Pope to think more  
 calmly, and to take no notice of this letter.  
 “Let us not (said they) raise a tumult in the  
 “church without necessity, and precipitate  
 “that revolt and separation from us, which we  
 “know must one day take place.” Remarka-  
 ble words, when we reflect when and by whom  
 they were spoken!

Death and  
 character.

Bishop Grouthead did not long survive this  
 noble stand against the gross corruptions and  
 tyranny of the church of Rome: for he fell sick at  
 his castle of Bugden that same year; and when  
 he became sensible that his death was drawing  
 near, he called his clergy into his apartment,  
 and made a long discourse to them, to prove that  
 the reigning Pope Innocent IV. was antichrist.  
 With this exertion his strength and spirits were

\* M. Paris, *Hist. Angl.* p. 583. ann. 1253.

’ *Id. ibid.*

so much exhausted, that he expired soon after, October 9. A.D. 1253.<sup>10</sup> A contemporary historian, who was perfectly well acquainted with him, hath drawn his character in the following manner, "He was a free and bold reprimander of the Pope and the King,—an admonisher of the prelates,—a corrector of the monks,—an instructor of the clergy,—a supporter of the studious,—a censurer of the incontinent,—a scourge and terror to the court of Rome,—a diligent searcher of the scriptures,—and a frequent preacher to the people. At his table he was hospitable, polite, and cheerful. In the church he was contrite, devout, and solemn; and in performing all the duties of his office, he was venerable, active, and indefatigable." The illustrious Roger Bacon, who was most capable, and had the best opportunities of forming a true judgment of the extent of his learning, by perusing his works, and by frequently conversing with him, hath given this honourable testimony in his favour: "Robert Grossetest Bishop of Lincoln, and his friend Friar Adam de Marisco, are the two most learned men in the world, and excel all the rest of mankind both in divine and human knowledge."<sup>12</sup>

This most excellent and learned prelate was a very voluminous writer, and composed a prodigious number of treatises on a great variety of

<sup>10</sup> M. Paris, Hist. Angl. p. 586. ann. 1253.

<sup>11</sup> Id. ibid.

<sup>12</sup> R. Bacon., apud Angl. Sacr. tom. 2. p. 344.

subjects, in philosophy and divinity, a catalogue of which may be seen in the works quoted below.<sup>13</sup>

Roger  
Bacon.

Though Roger Bacon was too modest to except himself when he gave the above character for superiority in learning to his patron Robert Grosseteste, and his friend Adam de Marisco, it is very certain that he was superior to them both, and to all his contemporaries, in genius, industry, and erudition. This extraordinary man was born near Ilchester, A.D. 1214., and at a proper age was sent to Oxford, where he prosecuted his studies with so much ardour and success, that he gained the friendship and patronage of the greatest men in that university<sup>14</sup>. Having spent some years at Oxford in the study of the languages, logic, and other branches of philosophy, he removed, according to the custom of those times, to Paris, where he soon became famous for his uncommon proficiency in all the sciences<sup>15</sup>. Though he was much admired and caressed at that university, where many of the most ingenious men in Europe then resided, he returned into his native country A.D. 1240., being then about twenty-six years of ages<sup>16</sup>. As the love of learning was his ruling passion, he settled at Oxford, and entered into the Franciscan order

<sup>13</sup> R. Bacon, apud Angl. Sacr. tom. 2. p. 344. Baleus de Script. Britan. p. 304, &c.

<sup>14</sup> A. Wood, Antiq. Oxon. l. i. p. 136. Leland de Script. Britan. tom. 2. p. 1.

<sup>15</sup> A. Wood. Antiq. Oxon. l. i. p. 136.

<sup>16</sup> Ouden de Script. Ecclef. tom. 3. p. 191.



of monks in that city, that he might prosecute his studies in tranquillity and with advantage.

Our Bacon soon abandoned the beaten track which was pursued by the scholars of that period, who spent their time in the study of very faulty translations of the works of Aristotle, and in reading commentaries on those works which had been written by men who did not well understand the original language. That he might not misspend his time in the same manner; he made himself a perfect master of the Greek tongue. Not contented with this, he applied directly to the study of nature, and engaged in a course of laborious, expensive, and well-conducted experiments, as the only means of arriving at certainty and of making useful discoveries<sup>17</sup>. By the generosity of his friends and patrons he was enabled to expend on those experiments, in twenty years, no less a sum than two thousand pounds, equal in weight of silver to six thousand pounds, and in efficacy to thirty thousand pounds, of our money at present<sup>18</sup>. This was indeed a great sum; but no money was ever better employed: for in the course of those experiments he made a greater number of useful and surprising discoveries in geometry, astronomy, physics, optics, mechanics, and chemistry, than ever were made by one man in an equal space of time.

Manner in which he studied.

But the world was long deprived of the advantage, and Bacon of the honour, of those discoveries.

His sufferings.

<sup>17</sup> Bacon, *Opus Majus*, p. 445, &c.

<sup>18</sup> A. Wood, *Hist. Oxon.* l. 2. p. 136.

coveries,

coveries, by the ignorance, envy, and malice of the monks of his order. For, believing, or pretending to believe, that he was a magician, and held a criminal intercourse with infernal spirits, they put him under close confinement, and prohibited him from sending any of his writings out of his monastery, except to the Pope<sup>19</sup>. In this confinement he languished several years; till having sent a copy of his *Opus Majus* to Pope Clement IV. A.D. 1266., that pontiff procured him some mitigation of his sufferings, if not his full liberty<sup>20</sup>. But he did not very long enjoy that relaxation, as he was again imprisoned by Jerom de Esculo, general of the Franciscan order, A.D. 1278.; because his works, it was pretended, contained some suspected novelties<sup>21</sup>. In this second confinement Bacon continued about eleven or twelve years, when he was set at liberty by Pope Nicholas IV. at the earnest request of several noblemen<sup>22</sup>. Though he was now old, and no doubt much broken by his long and cruel sufferings, he still continued to prosecute his studies, by polishing his former works, and composing new ones, till death put an end to all his calamities, and all his labours, at Oxford, June 11. A.D. 1292.<sup>23</sup>

<sup>19</sup> R. Bacon, *Epist. ad Clement. IV.* apud *Biograph. Britan.* vol. 2. p. 343.

<sup>20</sup> *Id. ibid.* p. 345.

<sup>21</sup> Wadding, *Annal. Frat. Minor.* tom. 2. p. 449. *Sponian. Annal.* A.D. 1278.

<sup>22</sup> A. Wood, *Hist. Oxon.* l. 1. p. 79.

<sup>23</sup> *Id. ibid.*

We cannot but lament that Friar Bacon met His discoveries. with so many discouragements in the pursuit of useful knowledge. If he had lived in better times, or if he had even been permitted to prosecute that course of enquiries and experiments in which he engaged after his return from Paris, it is highly probable that the world would have had many valuable discoveries that are still unknown. An excellent modern writer having enumerated some of Bacon's discoveries; viz.—his discovery of the exact length of the solar year, and a method of correcting all the errors in the kalendar;—his discovery of the art of making reading-glasses, the camera obscura, microscopes, telescopes, and various other mathematical and astronomical instruments;—his discovery of gunpowder, of the method of making elixirs, tinctures, solutions, and of performing all the chemical operations that are now in use;—his discoveries of the nature of the mechanical powers, and of the best methods of applying and combining them in the construction of machines for performing many useful and surprising operations;—his discoveries in medicine, for curing diseases, and prolonging life;—this writer, I say, having enumerated these discoveries, proceeds in the following manner:—

“ These are wonderful discoveries for a man to  
 “ make, in so ignorant an age, who had no mas-  
 “ ter to teach him, but struck it all out of his  
 “ own brain: but it is still more wonderful, that  
 “ such discoveries should lie so long concealed,  
 “ till

“ till in the next succeeding centuries other  
 “ people should start up, and lay claim to the  
 “ merit of these very inventions, to which Bacon  
 “ alone had a right.”<sup>24</sup>

His writ-  
 ings.

According to Leland, Bale, and other literary historians, the writings of Friar Bacon were very numerous<sup>25</sup>. But it plainly appears that these writers have divided one work into many, and, by multiplying titles, have represented them as much more numerous than they really were<sup>26</sup>. It is to be hoped, that some man of learning, leisure, and industry, and placed in favourable circumstances, will soon arise, who, by employing his time in collecting, arranging, and publishing all the genuine works of the illustrious Roger Bacon, will do honour to his country, and justice to the memory of one of the greatest men it ever produced.

Michael  
 Scot.

Michael Scot of Balwirie was born in the last years of the twelfth, or the first of the thirteenth century, at the seat of his family, in the county of Fife in Scotland<sup>27</sup>. Having received the first part of his education in his native country, he was sent to Oxford, where many of the Scottish youth in those times prosecuted their studies. How long our author continued at Oxford, is unknown; but, according to the custom of other

<sup>24</sup> Dr. Freind's History of Physic, vol. 2. p. 239. edit. 4.

<sup>25</sup> Leland de Script. Britan. tom. 2. p. 258. Bale, Script. Britan. cent. 4. p. 342.

<sup>26</sup> See Biograph. Britan. Life of R. Bacon.

<sup>27</sup> Dempster, lib. 12. p. 494.

lovers of learning, he went from thence to Paris, where he obtained the highest academical honours, and the title of *the Mathematician* among the learned, and of *the Magician* among the vulgar<sup>28</sup>. The fame of his learning procured him an invitation from the Emperor Frederick II. who was by far the most learned prince in Europe, and the greatest encourager and patron of learned men that flourished in the thirteenth century. One of the literary projects of that excellent Prince was to procure Latin translations of the works of Aristotle, and of the other philosophers and physicians of Greece; and in the execution of this project, Michael Scot was employed during some part of the time that he resided at the imperial court. For this task he was believed to be better qualified than many other scholars, by his knowledge of Aristotle's philosophy, and of the Greek and Arabic languages. Accordingly we are told by Friar Bacon, that the translations of the physical and mathematical works of Aristotle, and of his best commentators, that were published by Michael Scot, A. D. 1230., were the cause of the high admiration and supreme authority which that philosopher obtained among the Latins after that period<sup>29</sup>. These translations our author dedicated to his illustrious patron the Emperor Frederick II. at whose desire they had been undertaken and executed.

<sup>28</sup> Buzel Hist. Univerf. Parif. tom. 3. p. 701. Bale, de Script. Britan. cent. 4. p. 351.

<sup>29</sup> R. Bacon, Opus Majus, p. 36, 37.

Michael

*His studies.*

Michael Scot, like many of his contemporaries, spent too much of his time and thought in the study of astrology. On this vain fallacious science he composed a very voluminous work, at the command of the same Emperor, to whom he was astrologer; an office which was in those times both lucrative and honourable<sup>10</sup>. He was also keenly engaged in the study of alchemy, or the transmutation of metals; and wrote a book on the nature of the sun and moon, which, in the mystical language of alchymists, signify gold and silver<sup>11</sup>. Influenced by the prevailing taste of the times in which he flourished, he even applied to the still more frivolous studies of chiromancy and physiognomy, which pretend to teach the art of discovering the dispositions and fortunes of men, by the lines of their hands and features of their faces. In a word, the following character of this author, drawn by one who had studied his works, seems to be very just:

“ He was one of the greatest philosophers, mathematicians, physicians, and linguists of his age, and, had he not been too much addicted to the vain studies of judicial astrology, alchemy, physiognomy, and chiromancy, he would have deserved better of the republic of letters. His too great curiosity in these matters made the vulgar look upon him as a magician; though none speaks or writes more respectfully of God

<sup>10</sup> Tanner de Script. Ang. p. 526.

<sup>11</sup> Mackenzie's Lives of Scots Writers, vol. I. p. 211.

“ and

“and religion than he does.”<sup>32</sup> So strong were the convictions of his countrymen that he was a magician, that Dempster assures us, many people in Scotland in his time dared not so much as to touch his works.<sup>33</sup>

After the death of his illustrious patron, the Emperor Frederick II. A. D. 1250., our author returned into Britain, where he is said to have lived to a very great age, and to have died A. D. 1290.<sup>34</sup> His death.

John Duns Scotus was so famous for his genius and learning, that England, Scotland, and Ireland, have contended for the honour of his birth<sup>35</sup>. This controversy I shall not take upon me to determine; though his name seems to favour the opinion, that he was born at Duns in Berwickshire, or the Merse, in Scotland<sup>36</sup>. The precise time of his birth is also unknown; but from several circumstances it appears most probable, that it was about A. D. 1265. He entered, when he was very young, into a monastery of the Franciscans at Newcastle; who, discovering the quickness of his genius, sent him to Merton college in Oxford, to prosecute his studies<sup>37</sup>. In this famous seat of learning, our young scholar soon became conspicuous by the rapidity and facility with which he advanced in the acquisition of all the sciences. In particular, he greatly

John Duns  
Scotus.

<sup>32</sup> Mackenzie's Lives of Scots Writers, vol. 1. p. 214.

<sup>33</sup> Tanner, p. 526.

<sup>34</sup> Bale, cent. 4. p. 352.

<sup>35</sup> Du Pin, cen. 14. p. 52.

<sup>36</sup> Mackenzie's Lives, vol. 1. p. 215.

<sup>37</sup> Bruckeri Hist. Philos. tom. 3. p. 826.

excelled

excelled all his contemporaries in the admired art of logical disputation, by the quickness and subtilty of his distinctions, and the fecundity of his invention. He made great progress in natural and moral philosophy, and in all the different branches of mathematical learning; after which he applied to the study of the civil and canon law, and school-divinity<sup>38</sup>. When our author had for some time enjoyed a fellowship in his own college, he was advanced to the theological chair in the university A. D. 1301.: a station for which he was admirably fitted, and in which he had an opportunity of displaying, to great advantage, the immense stores of learning which he had amassed. Accordingly we are told that his lectures on the sentences of Peter Lombard were attended by incredible number of hearers, and received with great applause. For at the time when these lectures were delivered, we are assured, that there were no fewer than thirty thousand students in the university of Oxford, of whom many were attracted by the fame of our professor's eloquence and learning<sup>39</sup>. These admired lectures have been printed, and, together with some comments upon them, fill six folio volumes.<sup>40</sup>

Removes  
to Paris.

Oxford was not long permitted to enjoy the advantage of so popular a professor. For he was

<sup>38</sup> Bruckeri Hist. Philos. tom. 3. p. 826. Cave Hist. Lit. Append. p. 2.

<sup>39</sup> Bruckeri Hist. Philos. tom. 3. p. 826. A. Wood, l. 2. p. 80. Cave, Append. ad Hist. Lit. p. 2.

<sup>40</sup> Du Pin, cent. 14. chap. 5.



commanded by the general of his order, A. D. 1304., to remove to Paris, to defend his doctrine of the immaculate conception of the virgin Mary which was impugned by the divines of that city. This he performed with great applause, in an assembly of the university of Paris, called for the determination of that important question. The adversaries of the immaculate conception collected all their force on this occasion, and produced no fewer, it is said, than two hundred objections to that doctrine. "Scotus heard them with great composure; and in his reply, he recapitulated all their objections, and refuted them with as much ease as Sampson broke the cords of the Philistines; after which he proved, by many strong arguments, to the amazement and conviction of all his hearers, that the most holy Virgin was conceived without the stain of original sin. The university of Paris bestowed on him the title of *the subtle Doctor*, as a reward for his victory in this famous dispute." One of this illustrious assembly, who was a stranger to the person, but not to the fame, of Scotus, was so much charmed, that he cried out, — "This is either an angel from heaven, a devil from hell, or John Duns Scotus."

When Scotus had continued about four years at Paris, he was sent by Gonfhalvo, the general of the Franciscan order, to Cologne, A. D. 1308.,

<sup>1</sup> Bulsei Hist. Univ. Parif. tom. 4. p. 70.

<sup>2</sup> Hugo Cavillus in Vita J. Duns Scoti.

to found an university in that city, in imitation of that of Paris, and to defend his favourite doctrine of the immaculate conception against the disciples of Albert the Great<sup>41</sup>. He met with a most honourable reception at Cologne; but died soon after his arrival, November 8. A. D. 1308., in his forty-fourth year, or, according to some historians, only in the thirty-fourth year of his age.<sup>42</sup>

Praised.

Few men of learning have been so much admired by their contemporaries, or loaded with such extravagant praises by their followers, who from him were called *Scotists*, as John Duns Scotus. It may not be improper to give one example of the pompous strain of these panegyrics: “ He was so consummate a philosopher that he  
“ could have been the inventor of philosophy, if  
“ it had not before existed. His knowledge of all  
“ the mysteries of religion was so profound and  
“ perfect, that it was rather intuitive certainty  
“ than belief. He described the divine nature as  
“ if he had seen God ; --- the attributes of celestial  
“ spirits, as if he had been an angel ; --- the felici-  
“ ties of a future state, as if he had enjoyed them;  
“ --- and the ways of Providence, as if he had  
“ penetrated into all its secrets. He wrote so  
“ many books that one man is hardly able to  
“ read them, and no one man is able to under-  
“ stand them. He would have written more, if  
“ he had composed with less care and accuracy.

<sup>41</sup> Buzai Hist. tom. 4. p. 970.

<sup>42</sup> Id. ibid. Hugo Cavillor in Vita.

“ Such

"Such was our immortal Scotus, the most ingenious, acute, and subtle of the sons of men<sup>45</sup>." It is related of him, that he sometimes fell into such profound meditations that he remained several hours motionless, and insensible to all external objects<sup>46</sup>. In a word, it may be affirmed, without exaggeration, that few men ever possessed a more fertile invention, a more attentive memory, a more acute and penetrating genius, or a more unremitting application to study, than John Duns Scotus; but, unfortunately for him, and for the world, all those noble talents were misapplied and wasted on the subtilities of school philosophy and the absurdities of school-divinity. Considering the shortness of his life, he was one of the most voluminous writers that ever lived. Many of his writings have been several times printed; but the most complete edition of his works is that which was published by Waddingus, at Lyons, A. D. 1639., in twelve volumes folio<sup>47</sup>. These works, which were so highly admired that about twenty different authors wrote commentaries upon them, are now consigned to dust, and almost quite neglected.

William Ockham, one of the most distinguished disciples of John Duns Scotus, and the founder of a sect of schoolmen called *Ockhamists*, was born at Ockham, in Surrey, about A. D. 1280.<sup>48</sup> When

William  
Ockham.

<sup>45</sup> Bruckeri Hist. Philos. tom. 3. p. 828. n.

<sup>46</sup> Hugo Cavillus in Vita J. D. S. c. 3.

<sup>47</sup> Du Pin, cent. 14.

<sup>48</sup> Bruckeri Hist. Philosoph. tom. 3. p. 246.

he was very young, he entered into the order of St. Francis, and prosecuted his studies with great ardour and success, first at Oxford, and afterwards at Paris <sup>49</sup>. In both these universities, he was a constant hearer and great admirer of Scotus: but being of a bold, inquisitive spirit, he did not yield an implicit faith to all the doctrines of his illustrious master. On the contrary, he impugned some of his opinions with so much vigour and success, that he obtained many followers, who, on that account, were called *Ockhamists*; and sometimes *Nominals*, because they waged a long and fierce war against another sect of schoolmen, called *Realists*, about certain metaphysical subtleties which neither of them understood. <sup>50</sup>

Defends  
the Empe-  
ror against  
the Pope.

Ockham acted a very conspicuous part in those violent disputes which disquieted the Christian world during the pontificate of John XXII. from A. D. 1316. to A. D. 1334.; and in all those disputes he opposed the heretical principles and ambitious pretensions of the Pope with great vivacity and courage. He was made provincial of the Franciscans in England, in a general assembly of the order, A. D. 1322.; and in that assembly he very boldly defended the principles of that party of the Franciscans who were called *the Spiritual Brethren*, which the Pope had condemned as heretical, by two solemn decrees <sup>51</sup>. He also impugned, with much vehemence, the

<sup>49</sup> Leland de Script. Britan. tom. 2. p. 323.

<sup>50</sup> Vide Bruckeri Hist. Phil. tom. 3. p. 904—912.

<sup>51</sup> Id. ibid. p. 847. Du Pin, cent. 14. ch. 3.

favourite doctrine of John XXII. — that the souls of good men were not admitted to the vision of God, and the happiness of heaven till after the resurrection. His Holiness was so highly enraged at this presumption, that he pronounced the terrible sentence of excommunication against our author; which obliged him to live in great privacy for several years. In this retirement he composed some of his works, particularly his compendium of the heresies of Pope John XXII. of which he enumerated no fewer than seventy-seven.<sup>52</sup>

Retires to  
the Empe-  
ror's court.

Our author at length found a powerful protector in Lewis of Bavaria, Emperor of Germany, in whose court he took shelter, A. D. 1328.<sup>53</sup> This prince, who had been long and cruelly persecuted, and at last deposed and excommunicated, by the Pope, received his fellow-sufferer in a very gracious manner, and appointed him one of his privy counsellors. In return for these favours, Ockham published several treatises in defence of the Emperor, and in opposition to that favourite maxim of the papal court, which had been boldly avowed by Boniface VIII. A. D. 1301., — “*That all emperors, kings, and princes, are subject to the supreme authority of the Pope, in temporals as well as spirituals*.”<sup>54</sup> In opposition to this dangerous doctrine, which was not very suitable to the humble title of *the Servant of Servants*, Ockham maintained, — That the Emperor

<sup>52</sup> Tanner de Script. Angl. &c. p. 555.

<sup>54</sup> Id. ibid.

<sup>53</sup> Bal. Hist. Univer. Parif. tom. 4. p. 7.

was subject to none but God in temporals. The learned Selden gives the following high character of one of our author's political treatises, published on this occasion: — "It is a most learned and ingenious work, which merits the highest commendations; and, in my opinion, it is the very best performance published concerning the limits of the spiritual and temporal powers." So much did these spirited publications of our author contribute to support the Emperor's cause, that he used to address that prince in this familiar manner: "If you will defend me by your sword, I will defend you by my pen."

Obliged  
to recant.

During the life of the Emperor, his protector, Oekham smiled in safety at the impotent rage of three successive popes, John XXII. Benedict XII. and Clement VI. who denounced the most direful anathemas against him. But after the death of that prince, which happened October 11. A. D. 1347., he found himself no longer in a capacity to brave the papal thunders, and was constrained to court a reconciliation with the church by the most humiliating submissions. Some literary historians indeed say, that he died about six months before the Emperor, his patron, April 10. A. D. 1347.<sup>55</sup> But this is evidently a mistake; for, by the intercession of the Franciscan order, he obtained absolution from Clement VI. by a bull dated at Avig-

<sup>55</sup> Selden de Synedriis, l. i. c. 10. p. 288.

<sup>56</sup> Wharton, apud Cave, Hist. Lit. Append. p. 26.

<sup>57</sup> Tegner, p. 556.

non,

non, June 19. A. D. 1349., upon condition of renouncing all his former heresies, and swearing implicit submission to every papal decision and mandate for the future". He did not long survive this mortifying abjuration of all those opinions which he had laboured with so much ardour to establish, dying at Capua, in Italy, September 20. A. D. 1350. " He was unquestionably a man of genius, industry, and learning, and would have been happier and more useful if he had lived in better times. A catalogue of his numerous works may be seen in the authors quoted below". According to the custom of the age in which he flourished, he was honoured with the pompous title of *the singular and invincible Doctor*.

The most important events in the life of the famous Dr. John Wickliff, who is well intitled to a distinguished place in the history of his country, for his noble efforts to deliver it from the intolerable tyranny of the church and court of Rome, have been already mentioned; and therefore a very brief account of his personal history, character, and literary labours, will be sufficient in this place". He was born in the parish of Wickliff, near Richmond, in the county of York, about A. D. 1324.<sup>58</sup>; and educated at Oxford, where he merited the highest academical honours, obtained successively the government of

John  
Wickliff.

<sup>58</sup> Bol. Hist. Univ. Par. tom. 4. p. 317. <sup>59</sup> Tanner, p. 356.

<sup>60</sup> Id. ibid. Wharton, p. 26. Leland, p. 344. Bol. cat. v. p. 396.

<sup>61</sup> See chap. 2. § 2.

<sup>62</sup> Tanner, p. 767.

Baliol and Canterbury colleges, and was advanced to the professorship of divinity<sup>63</sup>. His theological lectures were delivered to crowded audiences, and received with incredible applause; which contributed not a little to disseminate his doctrines, which were very different from those of the church at that time<sup>64</sup>. In particular he combated with great spirit the exorbitant power and ambitious pretensions of the court of Rome in temporals as well as spirituals; and with equal spirit he opposed the encroachments of the begging friars, who were the great supporters of the papal power<sup>65</sup>. Having entered into holy orders, and obtained, first, the living of Fillingham in Lincolnshire, and afterwards the rectory of Lutterworth in Leicestershire, he further propagated his opinions, by his frequent, eloquent, and popular preaching<sup>66</sup>. By his numerous writings in the English language, he still further diffused the knowledge of his doctrines, and exposed the sloth, hypocrisy, and other vices of the mendicant friars, together with the various corruptions of the court and church of Rome. In a word, such was the success of the teaching, preaching, and writings of our author, that a contemporary historian, who appears to have been his most inveterate enemy, assures us, — “ that more than  
“ one half of the people of England became his

<sup>63</sup> Wharton, p. 50.

<sup>64</sup> Leland, p. 379.

<sup>65</sup> Lewis's Life of Wickliff, p. 316. A. Wood, p. 182.

<sup>66</sup> Knyghton, col. 2663. Walsing. p. 304, &c.



followers, and embraced his doctrines.<sup>67</sup> The violent opposition which he encountered from the Pope and clergy, the powerful support he received from the Duke of Lancaster, and other great men among the laity, as well as the time and manner of his death, have been already mentioned<sup>68</sup>. But it may not be improper to take notice in this place, that the malice of his enemies did not permit him to remain in quiet in his grave. In consequence of a decree of the council of Constance, and a bull of Pope Martin V. directed to Robert Fleming Bishop of Lincoln, his bones were taken up and burnt, and the ashes thrown into a rivulet<sup>69</sup>: an act of impotent malevolence which is hardly credible!

The Pope and clergy not only persecuted the person of Dr. Wickliff during life, and his ashes after death, but did every thing in their power to blacken his character and destroy his works. The two monkish historians, Walsingham and Knyghton, his contemporaries, have given him almost every opprobrious name in the Latin language; but have not been able to accuse him of any immorality<sup>70</sup>. His doctrines were condemned by various councils after his death; and his works which contained these doctrines were burnt whenever they could be found. Subynco Archbishop of Prague in Bohemia (where the doctrines of Wickliff had made great progress), publicly

Calumnies  
of the  
clergy.

<sup>67</sup> Knyghton, col. 2664.

<sup>68</sup> See chap. 2. sect. 2.

<sup>69</sup> Lewis, p. 110.

<sup>70</sup> Walsing. p. 205, 208. 246. 283. Knyghton, col. 2644—2661.

burnt

burnt more than two hundred volumes of his works that were beautifully written, and finely bound and ornamented<sup>71</sup>. About the same time a great number of his books were publicly burnt at Oxford, by a decree of the university, and under the inspection of the chancellor<sup>72</sup>. But all these attempts to destroy the works of Wickliff were ineffectual; and we have good reason to believe that some copies of all his numerous publications escaped. The learned Bishop Bale, who flourished in the sixteenth century, affirms, "That he had seen about one hundred and fifty treatises of Dr. Wickliff, some of them in Latin, and others in English, besides his translations of several books<sup>73</sup>." His translation of the bible into English was one of his greatest and most useful works; for a catalogue of which works, the authors quoted below may be consulted<sup>74</sup>.

Praises.

The endeavours of the Pope and monks to blacken the character and diminish the fame, of Dr. Wickliff, were as ineffectual as their attempts to destroy his works. The superiority of his genius and learning was so conspicuous, that it was acknowledged by his greatest enemies. The historian Knyghton, who hated him heartily for his attempt to reform the church, is constrained to own, "that no man excelled him in the strength

<sup>71</sup> *Jeneas Sylvius, Hist. Bohem. chap. 35.*

<sup>72</sup> *A. Wood, l. i. p. 204.*

<sup>73</sup> *Tanner Bibliothec. Britan. p. 771.*

<sup>74</sup> *Id. ibid. Wharton, p. 53. Bale, cont. &c. &c.*

" and

“ and number of his arguments; and that he excelled all men in the irresistible power of his eloquence in disputation.” Walden, who was his most inveterate enemy, acknowledged in a letter to Pope Martin V., “ that he had often stood amazed beyond measure at the excellence of his learning, the boldness of his assertions, the exactness of his authorities, and the strength of his arguments.” The following character of this great and good man was drawn by an able hand, and appears to be just: “ Dr. John Wickliff was a man, than whom the christian world in these last ages has not produced a greater.—He excelled all his contemporaries in all the different branches of theological learning, and in the knowledge of the civil and canon law. His heart was inflamed with the most ardent love to God, and goodwill to men; which excited him to the most strenuous efforts to restore the church to its primitive purity. The eminence of his piety and virtue his greatest adversaries never dared to call in question, and to the superiority of his natural and acquired abilities they have been compelled to bear testimony.”<sup>75</sup>

Several other school-divines and philosophers flourished in Britain, in the thirteenth and fourteenth century, and for a season enjoyed a considerable share of literary fame; but as their works

<sup>75</sup> Knyghton, col. 2664.

<sup>76</sup> Bale, cent. 6. c. 1. p. 436. Wharton, p. 32.

<sup>77</sup> Bale, cent. 6. c. 1. p. 436. Wharton, p. 32.

are now neglected, it would be improper to swell the section with their history.

**Historians.**

The British historians of this period were very numerous; but only a very few of them were so conspicuous for their abilities as to merit a place in the general history of their country; and of these few it will be sufficient to give a very brief account.

**Matthew Paris.**

Though Matthew Paris was unquestionably one of the most faithful and best informed of all the English historians of the thirteenth century, his own personal history is very imperfectly preserved; and is chiefly to be collected from his own writings. We are not informed of the particular time or place of his birth, nor from what family he was descended. The first circumstance of his life we know with certainty is, that he took the habit of a monk, in the abbey of St. Alban's, January 21. A.D. 1217.<sup>78</sup> In this abbey he continued long, and became so famous for his learning, piety, and virtue, that he obtained the esteem and confidence of several great princes. With his own sovereign Henry III. he appears to have been on a very friendly and familiar footing; not only employed in his service, but entrusted with his secrets, invited to his table, favoured with long and frequent conversations, and even assisted in the composition of his history of England<sup>79</sup>. "He who wrote this (says he) " was almost constantly with the King in his pa-

<sup>78</sup> M. Paris, edit. Parisiis, A. D. 1644. Prefat. p. 3.

<sup>79</sup> M. Paris, Hist. Angl. p. 494. 636.

" lace,

“lace, at his table, or in his closet; and that  
 “prince guided his pen in writing in the most  
 “diligent and condescending manner<sup>30</sup>.” At the  
 same time our author stood in the highest point  
 of favour with Haco King of Norway, a wise and  
 learned prince, with whom he corresponded by  
 letters, and for whom he transacted some important  
 affairs in London, to his entire satisfaction<sup>31</sup>.  
 At length, when the monks of that kingdom  
 had become extremely ignorant and disorderly,  
 Matthew Paris was esteemed the most proper person  
 in the church to be employed in an attempt to  
 instruct and reform them. Accordingly, in compliance  
 with a bull from Pope Innocent IV. and an earnest  
 application from the King of Norway, he made a  
 voyage into that country, A.D. 1248., where he  
 spent about a year in restoring monastic discipline  
 to its primitive strictness and regularity<sup>32</sup>. During  
 his residence in Norway, he acted also as ambassador  
 for Lewis IX. King of France, whose friendship  
 he had gained by his learning and integrity<sup>33</sup>. But  
 though our author was a favourite, he was not a  
 flatterer, of kings. On the contrary, he expostulated  
 with and admonished his own sovereign with much  
 freedom, when he acted imprudently or unjustly<sup>34</sup>.  
 When Henry III. had granted, by charter, to one of  
 his courtiers, a liberty of hunting in the lands  
 belonging to the abbey of St. Alban’s, directly con-

<sup>30</sup> M. Paris, Hist. Angl. p. 494. 636.<sup>31</sup> Id. p. 504. col. 2.<sup>32</sup> Id. p. 524. col. 2.<sup>33</sup> Id. p. 504. col. 1.<sup>34</sup> Id. p. 496. col. 1.

trary to the privileges which he had before granted by charter to that abbey, our author tells us, that he went boldly to the King, and reproached him for this unjust proceeding; to which the King replied, that he had only imitated the Pope, who daily revoked the privileges he had granted, and bestowed them upon others, by the clause of *non obstante* in his bulls<sup>55</sup>. No historian who had recorded the transactions of his own countrymen in his own times, can be compared with Matthew Paris for intrepidity. He censured without any ceremony, and in the plainest language, the vices and follies of persons of the highest rank and greatest power. Though he was a monk, he hath painted the insatiable avarice, intolerable tyranny, unbounded luxury, and abandoned perfidy of the court of Rome, in stronger colours than any protestant writer hath done<sup>56</sup>. From all his writings he appears to have been a man of genius, taste, and learning. "He was (says a literary historian) an elegant poet, an eloquent orator, an acute logician, a subtle philosopher, a solid divine, a celebrated historian, and, which crowned the whole, a man justly famous for the purity, integrity, innocence, and simplicity of his manners<sup>57</sup>." In his leisure hours he amused himself with the study and practice of the fine arts; and (if we may believe

<sup>55</sup> M. Paris, Hist. Angl. p. 524. col. 2.

<sup>56</sup> Vide Opera M. Paris, passim. Edwardi Brown Appendix ad Fasciculum Rerum expetendarum, p. 415—436.

<sup>57</sup> Pitt's Relat. Scriptor. script. 367.

the historian of his own abbey) he was an exquisite sculptor in gold, silver, and other metals, and the best painter of the age in which he flourished". This virtuous, learned, and ingenious person paid the last debt to nature, A.D. 1259., at St. Alban's, where he had resided above forty years, and never obtained any higher office than that of historiographer.\*

The theological works of Matthew Paris <sup>Works.</sup> have shared the same fate with those of many of his contemporaries; but his historical labours have been more fortunate, and have secured the grateful remembrance of posterity to their author. The greatest and most valuable of these historical works is entitled *Historia Major*, which is a very full history of England, from the Conquest, A.D. 1066., to the 43d of Henry III. A.D. 1259. In the first part of that work, from the Conquest to A.D. 1235., our author was much indebted to the labours of Roger de Wendover, his predecessor in the office of historiographer in the abbey of St. Alban's, and it was continued after his death to A.D. 1273., by William Rishanger his successor in that office<sup>o</sup>. For the honour of his own abbey, our author wrote the lives of the two Offas Kings of Mercia (of whom Offa II. was the founder of that abbey), and also the lives of the twenty-three first abbots of St. Alban's. To these works he subjoined *Additamenta* (additions), containing

\* Tanneri Biblioth. Britan. p. 573.

<sup>o</sup> Id. Ibid. p. 757. 634.

<sup>o</sup> Id. Ibid.

certain

certain facts, papers, letters, speeches, &c. which had not come to his knowledge in due time, or which he had neglected to insert in their proper places. The above historical compositions have been several times printed<sup>91</sup>, and will be perused with pleasure by every lover of English history and antiquities, who can forgive our author for believing and introducing so many ridiculous miracles, apparitions, predictions, &c.; because that kind of credulity was the folly of the times rather than of the man. The first part of Matthew of Westminster's Flowers of History, from the creation of the world to the conquest of England, is said to be almost an exact transcript of a work of Matthew Paris which had never been printed. Besides all these, our author made an abridgment of his *Historia Major*, or Larger History of England, with the title of *Historia Minor*; which is still preserved in MS.<sup>92</sup>

Thomas  
Wykes.

We know still less of the personal history of Thomas Wykesthan of his contemporary Matthew Paris. He was a regular canon, of the order of St. Augustine, in the abbey of Osney, near Oxford; and, improving his favourable situation for the acquisition of learning, became famous for the variety and extent of his erudition. Besides several other works on different subjects, he composed a history or chronicle of England, from the

<sup>91</sup> London, A. D. 1640—1684. Paris, 1644.

<sup>92</sup> Tanner, Bibliothec. p. 572.



Conquest, A.D. 1066., to A.D. 1304., soon after which period it is probable he died.<sup>93</sup>

Walter Hemmingford was a monk in the abbey of Gisburn, in Yorkshire, of the same order with Thomas Wykes, and also wrote a history of England, nearly of the same period, beginning at the Conquest, and ending A.D. 1347., in which year he died.<sup>94</sup> We do not so much as know with certainty to what monasteries John de Trokelowe, and Henry de Blanford, two monks who wrote histories of the reign of Edward II. belonged, and therefore they are mentioned here only to recommend their works, together with that of the anonymous monk of Malmesbury, on the same subject, to the attention of English antiquaries and historians, as containing many curious particulars which are nowhere else to be found.<sup>95</sup>

Robert de Avesbury, who was register of the Archbishop of Canterbury's court, composed a history of England in his own times, with the following title:—"Mirabilia gesta Magnifici Regis Angliæ Domini Edwardi Tertii post Conquestum, Procerumque; tactis primitus quibusdam gestis in tempore patris sui Domini Edwardi Secundi, quæ in regnis Angliæ, Scotiæ, et Franciæ, ac in Aquitania et Britan-

<sup>93</sup> Vide Historiæ Anglicanæ Scriptores Quinque; Oxoniæ, A. D. 1687.

<sup>94</sup> Id. Ibid. Walteri Hemmingford Historia, a T. Hearn, edit. Oxon. 1731, tom. 2.

<sup>95</sup> Johannes de Trokelowe Annal. &c. a T. Hearn, edit. Oxon. 1629.

“*nia, non humana sed Dei potentia, contigerunt;*  
 “*per Robertum de Avesbury, Curiae, Cantua-*  
 “*riensis Registri Custodem, compilata.*”—*i. e.*—  
 “The wonderful acts of the magnificent King  
 “Lord Edward the Third after the Conquest,  
 “and of his nobles; to which are premised some  
 “hints of the transactions in the time of his fa-  
 “ther Edward the Second, in the kingdoms of  
 “England, Scotland, and France, as also in  
 “Aquitain and Brittany, which happened, not  
 “by the power of man, but of God; compiled  
 “by Robert of Avesbury, keeper of the register  
 “of the court of Canterbury.”

Our author was probably prevented by death from finishing his plan; for his history reaches only to the thirtieth of Edward III. A.D. 1356. He appears to have been at great pains to procure the most authentic information; and his work is valuable for the sincerity with which it is written, and the original papers it contains.\*

Nicholas  
Trivet.

Nicholas Trivet, son of Sir Thomas Trivet of the county of Norfolk, was born about A. D. 1258., and in his youth became a Dominican friar in London. Having a genius and taste for learning, he prosecuted his studies with great spirit and diligence, first at Oxford, and afterwards at Paris. Soon after his return to England, he was chosen prior of his monastery, and discharged the duties of that office, with great honour to himself and

\* Roberti de Avesbury Historia, a T. Hearn, edit. Oxon. A. D. 1720.

advantage to the society, to the time of his death, A. D. 1328. He was a voluminous writer on various subjects in philosophy and divinity; but he is introduced in this place because he was the author of Historical Annals from A. D. 1130. to A. D. 1307.<sup>97</sup> Of this work he gives the following account in his preface: “When I studied at Paris, I read the histories of France and Normandy with great care, and faithfully extracted out of them every thing that related to the English nation. From these extracts, — together with what I collected from our English chronicles, — what came to my own knowledge, — and what I learned from the information of men worthy of credit, — I have composed the following history of the kings of England of the Plantagenet family, from Henry II. to our own times. But though I have bestowed my chief attention on the affairs of England, I have occasionally introduced such accounts of the transactions of the contemporary popes, emperors of Germany, kings of France, and some other princes, as had come to my knowledge, in order to render my work more universally useful and agreeable.”<sup>98</sup>

It would be tedious to many readers to peruse the short memoirs which remain of the other historians of this period, as of Matthew of Westminster, Ralph Higden, Henry Knyghton, John

<sup>97</sup> Leland de Script. Britan. t. 2. p. 326.

<sup>98</sup> Nicolai Trivetii Annal. edit. Oxon. 1719. p. 2.

de Fordun, Adam de Merimuthe, Thomas Stubbs, William Thorn, &c. &c. ; and therefore such as wish to be acquainted with them, are referred to the authors quoted below."

Poets.

Poetafters abound in every age ; but real and great poets, who do honour to their country, and merit a place in its history, are commonly very few. Of such excellent poets, who were also men of uncommon worth and learning, I know only three, viz. John Gower, Geoffrey Chaucer, and John Barbour, who flourished in Britain in the present period.

John  
Gower.

That John Gower, or rather Sir John Gower, was of an ancient and opulent family is highly probable; but where that family was seated is not certainly known<sup>100</sup>. He was born about A. D. 1320., and having received a learned education, and attained a proper age, he engaged in the study of the law at the Inner Temple, with such diligence, that he became eminent in his profession<sup>101</sup>. His application to these severer studies did not divert him from courting the muses at his leisure hours, and that with so much success, that he became one of the most admired poets of the age in which he flourished. Besides several smaller pieces, he composed three poems of considerable length, in three different languages, Latin, French, and English. To these poems he gave the three

<sup>99</sup> Leland, Bale, Pitts, Tanner, &c.

<sup>100</sup> Biograph. Britan. 1st edit. vol. 4. p. 2242.

<sup>101</sup> Tanner, p. 335.

following

following fanciful and pedantic titles:—*Speculum Meditantis*, — *Vox Clamantis*, — *Confessio Amantis*<sup>102</sup>. *Speculum Meditantis*, written in French, is a moral poem, recommending fidelity and mutual love to married persons, by examples out of various histories. *Vox Clamantis*, written in Latin, is a historical poem or chronicle of the insurrection of the commons in the reign of Richard II. The solemnity of the style, and lowness of the subject of this poem, gives it in some places a burlesque appearance, as in the following catalogue of the leaders of the insurgents :

Watte vocat, cui Thomæ venit, neque Symme retardat,  
 Bitteque, Gibbe, simul Hykke, venire jubent.  
 Colle furit, quem Gibbe juvat nocumenta parantes,  
 Cum quibus ad damnum Wille coire vovit.  
 Origge rapit, dum Daive strepit, comes est quibus Hobbe  
 Lorkin, et in medio non minor esse putat.  
 Hudde ferit quos Judde-terit, dum Tibbe juvatur  
 Jakke domos que viros vellit, et ense necat, &c. &c.

These two poems are still in MS. *Confessio Amantis*, written in English at the desire of Richard II., is a poetical system of morality, illustrated by many amusing tales, happily invented and naturally introduced. This poem hath been several times printed<sup>103</sup>. Our author hath left various specimens of his skill in divinity, logic, natural philosophy, and alchymy. He appears to have been fond of writing ; and laments, in a very pathetic strain, that by the failure of his sight in his

<sup>102</sup> Tanner, p. 335.<sup>103</sup> Biographia, vol. 4. p. 2244.

old age, he was constrained to lay aside his pen<sup>104</sup>. He died A.D. 1402., and was buried in the conventual church of St. Mary Overie, in Southwark, which he had rebuilt chiefly at his own expence. Upon the whole, Sir John Gower was evidently a man of uncommon genius, extensive learning, and amiable manners, one of the fathers of English poetry, and one of the first who wrote with any considerable success in the English language.

Geoffrey  
Chaucer.

Geoffrey Chaucer, the contemporary and intimate friend of Gower, was born in London about A. D. 1328.; but all attempts to discover the names and rank of his parents (though they were certainly neither obscure nor indigent), have been unsuccessful<sup>105</sup>. When he had spent some years in prosecuting his studies, first at Cambridge, and afterwards at Oxford, for his further improvement, he visited France, and some other foreign countries; and on his return from his travels, he became a student of law in the Middle Temple<sup>106</sup>. But this study not being agreeable to his taste, he resolved to try his fortune at court; for which he was admirably qualified, being remarkably handsome in his person, elegant in his manners, an universal scholar, and an admired poet. He accordingly obtained the honourable place of page to Edward III. A.D. 1359., when that illustrious

<sup>104</sup> Biographia, vol. 4. p. 2246.

<sup>105</sup> Chaucer's Works, London, 1721. p. 486. col. 1.

<sup>106</sup> Bale, p. 525. Leland, p. 419.

prince

prince was in the summit of his prosperity, and the English court in its highest splendour, adorned by the captive kings of France and Scotland<sup>107</sup>. In this station he rendered himself so agreeable to his royal master, that he obtained many substantial marks of his favour, and enjoyed an income of no less than one thousand pounds a-year, equivalent to twelve thousand pounds at present<sup>108</sup>. In this flourishing state of his affairs, he married Philippa Rouet, sister to the famous Catharine Lady Swynford, then the mistress, and afterwards the wife, of John of Gaunt, Duke of Lancaster, the King's third son<sup>109</sup>. By this marriage a connection which he had formed with the Duke of Lancaster was much strengthened, and for some time contributed to his promotion; but afterwards involved him in no little trouble, by engaging him in all the political intrigues of that ambitious prince. In particular, the Duke of Lancaster having espoused the cause of Wickliff, from political views, and out of hatred to the clergy, our author engaged with warmth, and from principle, in the same cause. In consequence of this, having espoused the party of John Comberton, mayor of London, A. D. 1382., a zealous Wickliffite, and that party having been ruined by the superior power of the court and clergy, Chaucer, with some others, escaped to the continent. Here he lived privately several years, till he had spent his

<sup>107</sup> Chaucer's Life, prefixed to his works, edit. 1721.<sup>108</sup> Biograph. Britan. p. 1296.<sup>109</sup> Life of Chaucer.

whole estate in supporting himself and his fellow-exiles ; which obliged him to return secretly into England. Soon after his return, he was apprehended and put in prison ; where, by threats and promises, he was prevailed upon to disclose the secrets of his party, by which he obtained his liberty, but brought upon himself an unsupportable load of calumny<sup>110</sup>. In this deplorable reverse of fortune, our author retired to Woodstock, and gave vent to his melancholy in that sweet plaintive performance, — *The Testament of Love* ; — which begins in this manner : — “ Alas ! Fortune, alas ! I that some tyme in delious houres was wont to enjoy blisful stoundes, am now dryve, by unhappy heviness, to bewaile my fondrie yvels in tene<sup>111</sup>. ” When under this cloud, A. D. 1391., he composed another of his prose works, intitled, — “ *The Conclusions of the Astrolabie*, — for the use of his second son Lewis : ” — a work which discovers an extensive knowledge in astronomy, with an admirable faculty of communicating that knowledge to a child only ten years of age<sup>112</sup>. A few years after this, our author's affairs began to take a more favourable turn. His ancient friend and patron, John of Gaunt Duke of Lancaster (now become his brother-in-law, by his marriage with Lady Swynford), having, after a great variety of adventures, recovered his influence at the court of England, procured him several grants from the

<sup>110</sup> See Chaucer's *Testament of Love*, p. 487—495.

<sup>111</sup> *Id.* p. 479.

<sup>112</sup> Chaucer's *Works*, p. 439.



crown; which enabled him to spend the last years of his life in ease and plenty, at his seat of Dunnington castle, near Newbury<sup>113</sup>. On the accession of Henry IV., the son of his late brother and patron the Duke of Lancaster, he found it necessary to make a journey to London, where he died, October 25. A. D. 1400., in the seventy-third year of his age<sup>114</sup>. Whoever reads the work of Chaucer with attention, will be surprised at the variety and extent of his learning, as well as charmed with the fertility of his invention, the sweetness of his numbers (for the times in which he lived), and all the other marks of a great and cultivated genius. The writer of his life prefixed to Mr. Urry's edition of his works, hath given him the following character, and produced sufficient evidence that he deserved it: "In one word, he was a great scholar, a pleasant wit, a candid critic, a sociable companion, a steadfast friend, a grave philosopher, a temperate oeconomist, and a pious Christian." Should such a man ever be forgotten?

John Barber, or Barbour, an eminent divine, John Bar-  
historian, and poet, was born in the city of Aber-  
deen about A. D. 1330.<sup>115</sup> Having received a bour.  
learned education, he entered into holy orders, and was promoted by King David II. to the archdeaconry of Aberdeen, A. D. 1356. His love of learning was so strong, that he continued to pro-

<sup>113</sup> Biographia, vol. 4. p. 1303.<sup>114</sup> Id. ibid.<sup>115</sup> Hume's Hist. Douglas, p. 30, 31. Nicolson's Scots Hist. p. 145.

secute his studies after his promotion. With this view he prevailed upon his own sovereign King David Bruce, with whom he was in great favour, to apply to Edward III. for permission to study at Oxford; which was granted, in the following terms:—“Edward, &c.—Knowye, that we have  
 “taken under our protection (at the request of  
 “David de Bruce) John Barber, Archdeacon of  
 “Aberdeen, with three scholars in his company,  
 “in coming into our kingdom of England, in  
 “order to study in the university of Oxford, and  
 “perform his scholastic exercises, and in remain-  
 “ing there, and in returning into his own coun-  
 “try of Scotland; and we hereby grant him our  
 “safe-conduct, which is to continue in force for  
 “one year. Witness the King at Westminster,  
 “A. D. 1357., August 13.”<sup>116</sup> Our archdeacon was not only famous for his extensive knowledge in the philosophy and divinity of those times, but still more admired for his admirable genius for English poetry; in which he composed a history of the life and glorious actions of Robert Bruce King of Scotland, at the desire of King David Bruce his son, who granted him a considerable pension for his encouragement, which he generously bestowed on an hospital at Aberdeen<sup>117</sup>. While he was engaged in this work, he obtained permission and safe-conduct from Edward III., A. D. 1365., to travel through England into France, with six horsemen his attendants.<sup>118</sup> He

<sup>116</sup> Rymer. Fœd. tom. 6. p. 31.

<sup>117</sup> Tanner, p. 73.

<sup>118</sup> Rymer, tom. 6. p. 478.

finished

finished his history of the heroic Robert Bruce A.D. 1373.; a work not only remarkable for a copious circumstantial detail of the exploits of that illustrious prince, and his brave companions in arms, Randolff Earl of Moray, and the Lord James Douglas, but also for the beauty of its style, which is not inferior to that of his contemporary Chaucer<sup>119</sup>. The time and circumstances of our author's death are not known.

### SECTION III.

*History of the chief Seminaries of Learning in Great Britain, from A.D. 1216. to A.D. 1399.*

ALL the different kinds of schools which were established in Britain in the preceding period, continued to flourish in the present. In general, we are assured by the most learned man of the thirteenth century, Roger Bacon, that there never had been so great an appearance of learning, and so general an application to study, in so many different faculties, as in his time, when schools were erected in every city, town, burgh, and castle<sup>1</sup>. But all these cathedral, conventual, Jewish, and other illustrious schools, have been already described.<sup>2</sup>

Schools established in the former period continued.

<sup>119</sup> Mackenzie's Lives, &c. v. 1. p. 296.

<sup>1</sup> Baconi Opus Majus, præfat.

<sup>2</sup> See vol. 6. chap. 4. sect. 3. p. 155—169.

A very

Change in  
the univer-  
sities.

A very great and advantageous change in the state of the two universities of England took place in the present period, and merits our attention. In former times the teachers and scholars lodged and studied in private houses or halls, which they rented from the citizens. This was attended with many inconveniencies, and gave occasion to frequent quarrels between the scholars and citizens, about the rents of houses<sup>3</sup>. Various methods were employed to prevent these quarrels, which disturbed the peace and even threatened the destruction of the universities. In particular, Henry III. A.D. 1231., appointed two respectable citizens, and two masters of arts, to be chosen annually, and invested with authority to determine all disputes between the citizens and scholars, about the rents of houses<sup>4</sup>. But this, and all other methods for preserving peace between the townsmen and scholars, while this occasion of contention continued, proved ineffectual. At length, some generous persons (determined to deliver the members of the universities from their too great dependence on the townsmen) purchased or built large houses, and admitted both teachers and scholars to reside in them, without paying any rent. Those munificent friends of learning soon discovered, that some ingenious scholars admitted into their houses were but ill provided with the means of

<sup>3</sup> A. Wood, l. 1. p. 84. 86. 92.

<sup>4</sup> Fuller's Hist. Cambridge, p. 10.

rewarding

rewarding their teachers, purchasing books, and procuring other necessaries; which induced them and others to enlarge their charity, and to endow those houses with lands, tenements, and revenues, for the maintenance of a certain number of studious men and youth. By these steps the building and endowing colleges became the prevailing taste, of the rich and generous in this period, as building and endowing monasteries had been in some former periods. In consequence of this prevailing taste, several noble halls and colleges were erected and endowed, in both the universities of England, chiefly between the middle of the thirteenth and the middle of the fourteenth century.

In Oxford the following colleges were founded in this period, viz. University college, Baliol college, Merton college, Exeter college, Oriel college, Queen's college, and New college; of each of which it is proper to give a very brief account.

Colleges in  
Oxford.

If University hall or college was founded and endowed by Alfred the Great, that foundation was overturned, and those endowments were dissipated, long before the beginning of this period. William Archdeacon of Durham, who bequeathed three hundred and ten marks to the university, and died A. D. 1249., may be esteemed the founder of the present college, as some tenements on which it was built, and with which it was endowed, were purchased with that money<sup>s</sup>. This

University  
hall.

<sup>s</sup> A. Wood, l. 2. p. 56.

society,

society, when it was first formed, about A. D. 1280., was very small, consisting only of four masters of arts; but it gradually increased, both in numbers and revenues, by the successive donations of many generous benefactors.<sup>6</sup>

Baliol college.

John Baliol, father of that unfortunate prince John King of Scotland, formed and made some progress in the design of founding Baliol college, about A. D. 1268.; and that design was perfected by his widow the lady Dervogilla, from whom her son John Baliol derived his title to the crown of Scotland.<sup>7</sup>

Merton college.

Walter Merton Bishop of Rochester, founded a college for twenty scholars, and three priests, at Maldon in Surry, A. D. 1264.; and about four years after, he removed that society to Oxford, where he had provided a place for their reception, which hath ever since that time been denominated Merton college.<sup>8</sup>

Exeter college.

Walter Stapleton Bishop of Exeter began, about A. D. 1315., to execute a design which he had formed of founding a hall or college in Oxford; and in a few years, with the assistance of Peter de Skelton a clergyman, he accomplished that design<sup>9</sup>. The name of this foundation was at first Stapleton hall; but it was afterwards changed to Exeter college, by a bull of Pope Innocent VII.<sup>10</sup>

Oriel college.

Oriel college was founded by Edward II. and his almoner Adam de Brom, about A. D. 1324.

<sup>6</sup> A. Wood, l. 2. p. 57, 58, 59.

<sup>7</sup> Id. ibid. p. 69, 70.

<sup>8</sup> Id. ibid. p. 89.

<sup>9</sup> Id. ibid. p. 93.

<sup>10</sup> Id. ibid. p. 94.

It was at first called *the Hall of the Blessed Virgin of Oxford*, and derived its present name from a capital messuage bestowed upon it by Edward II.<sup>11</sup>

Robert Eglesfied, who was descended of an ancient family in the county of Cumberland, and chaplain to Queen Philippa, consort of Edward III. founded Queen's college, A.D. 1340., chiefly for the benefit of his countrymen of the counties of Cumberland and Westmorland. He gave his college its name in honour of Queen Philippa, who had very much encouraged and assisted him in that expensive undertaking.<sup>12</sup>

The illustrious William of Wykeham Bishop of Winchester, soon after his advancement to that see, A.D. 1366, formed the design of founding two colleges, one at Winchester, in which young scholars might receive the first part of their education; and another at Oxford, into which they might be transplanted, and their education perfected. Having spent several years and considerable sums of money in purchasing certain tenements in Oxford, he laid the first stone of his college there for a master and seventy scholars, March 5. A.D. 1379., and finished the fabric A.D. 1386. In his foundation-charter he gave it the name of *Seinte Marie College of Wynchestre in Oxenford*; but in common use it hath been constantly called *New College*<sup>13</sup>. Soon after he had finished this great work, he built and endowed his college at Winchester.

<sup>11</sup> A. Wood. l. 2. p. 103, 104.

<sup>13</sup> Id. ibid. p. 126—130.

<sup>12</sup> Id. ibid. p. 113.

Colleges in  
Cam-  
bridge.

In Cambridge the following halls and colleges were founded in this period, viz. Peter house, Michael college, University hall, King's hall, Clare hall, Pembroke hall, Corpus Christi college, Trinity hall, Gonvil hall.

Peter  
house.

Hugh Balfham, sub-prior and afterwards bishop of Ely, purchased some tenements in Cambridge, about A.D. 1256., in order to found a college; and though he met with various difficulties, which retarded the full execution of that design, he still continued to prosecute it; and at length, about A.D. 1282., the building was finished for the reception, and endowed for the maintenance of one master, fourteen fellows, two bible-clerks, and eight poor scholars.<sup>14</sup>

Michael  
college.

Hervey de Stanton, canon of York and Wells and chancellor of the Exchequer to Edward II., founded and endowed a college about A.D. 1324., which he dedicated to St. Michael the archangel<sup>15</sup>. This college was taken into Trinity college, founded by Henry VIII.

University  
hall.

University hall or college was founded by Richard Badew, chancellor of the university of Cambridge, A.D. 1326. But this college was hardly ever completed, and of short duration.<sup>16</sup>

King's hall.

King Edward II. for some years maintained thirty-two scholars at the university of Cambridge, and designed to have founded a hall for their

<sup>14</sup> Stow's Chronicle by Howe, p. 1057. Fuller's History of Cambridge, p. 30.

<sup>15</sup> Stow, p. 1957. Fuller, p. 36.

<sup>16</sup> Stow, *ibid.* Fuller, p. 37.

residence.



residence. This design was executed by his son Edward III. who built a very magnificent hall, and endowed it with lands sufficient for the support of a master and thirty-three scholars<sup>17</sup>. This hall was united to Trinity college by Henry VIII.

Univerfity hall having been burnt down, and Clare hall. its founder Richard Badew unable to rebuild it, Elizabeth de Clare Countefs of Ulfter, one of the fifters and coheireffes of Gilbert de Clare Earl of Gloucefter, raifed it from its ruins about A. D. 1347., added greatly to its revenues, and gave it the name of *Clare hall*, in honour of her family."

Pembroke hall was founded in the fame year Pembroke hall. with Clare hall, by a great but unfortunate lady, Mary de St. Paul daughter of Guido Earl of St. Paul, in France, married to Aymer de Valence Earl of Pembroke, who was killed in a tournament foon after his marriage, or, according to fome, on his wedding-day, June 23. A. D. 1323. His afflicted widow furvived him forty-two years, fpending the greateft part of her large revenues in pious and charitable works. Among others of that kind, fhe founded a hall in Cambridge for a mafter and thirty fcholars, which fhe called by her husband's name and her own, *the hall of Valence and Mary*; but its moft common appellation hath been *Pembroke hall*.<sup>19</sup>

<sup>17</sup> Stow, p. 1057. Fuller, p. 39.

<sup>18</sup> Stow, p. 1058. Fuller, p. 37.

<sup>19</sup> Stow, *ibid.* Fuller, p. 41. Dugdale's Peerage, vol. 1. p. 777.

Bennet  
college.

The united guilds of Corpus Christi and St. Mary, in Cambridge, assisted by the patronage of Henry Duke of Lancaster, founded a college, about the same time, which they called *the college of Corpus Christi and St. Mary*; but its most common name hath always been *Bennet college*, from St. Bennet's church.<sup>20</sup>

Trinity  
hall.

William Bateman Bishop of Norwich founded Trinity hall, in Cambridge, about A.D. 1350, for one master, two fellows, and three scholars, who were all to be students of the civil and canon law.<sup>21</sup>

Gonvil  
hall.

About the same time Edmond Gonvil, parson of Terrington and Rushworth, in Norfolk, founded a college in Cambridge, for a master and twenty scholars, which he called *Gonvil hall*, and by his last will left a considerable sum of money to William Bateman Bishop of Norwich, together with directions for perfecting that foundation, which he performed.<sup>22</sup>

Almost all the above halls and colleges in both universities were comparatively small at first; but by subsequent benefactions they have become the most magnificent and opulent seats of learning in Europe.

Great  
number of  
students.

The number of scholars in the two universities of England in this period was very great. The famous Richard Fitz-Ralph, Archbishop of Armagh, in an oration against the mendicant friars,

<sup>20</sup> Stow, p. 1058. Fuller, p. 44.

<sup>21</sup> Stow, p. 1058. Fuller, p. 50.

<sup>22</sup> *Id.* p. 47.

which

which he pronounced before the Pope and cardinals, A. D. 1357., made the following declaration:—" Even in my time, there were thirty thousand students in the university of Oxford, and at present there are hardly six thousand : which prodigious diminution is chiefly owing to the mendicant friars, who entice and delude so many of the young scholars to enter into their order, that parents are afraid to send their children to the university<sup>23</sup>." We shall be more disposed to believe the above declaration, when we consider, that besides all the above colleges that had been lately founded, there were at that time between two and three hundred private halls in Oxford, in which scholars resided, and almost an equal number of schools, in which they studied and attended lectures; and when we reflect also, that this university was frequented by great multitudes of scholars from Scotland, Ireland, and the continent, as well as by the youth of England and Wales.<sup>24</sup>

The two universities of England in this period were frequently disturbed, and sometimes almost ruined, by violent quarrels among the scholars or between them and the townsmen. In the quarrels among the scholars, the southern English, Welsh, and Irish, commonly formed one party, against the northern English and Scots<sup>25</sup>. Many of the members of both universities, being de-

Universi-  
ties of  
North-  
ampton  
and Stam-  
ford.

<sup>23</sup> Buhai Hist. Univ. Paris. tom. 4. p. 339. A. Wood, lib. 1. p. 72.

<sup>24</sup> A. Wood, *passim*.

<sup>25</sup> A. Wood, lib. 1. p. 123, &c. Fuller, p. 12.

firous of avoiding these quarrels, retired to Northampton, A.D. 1260.; and, with the permission of Henry III., began to form a new university. But the people of Oxford and Cambridge found means to prevail upon that prince to dissolve this new university, and to command the members of it to return to the places of their former residence, A.D. 1265.<sup>26</sup> About thirty years after, the university of Stamford began, and terminated in the same manner.<sup>27</sup>

Third university of England.

So many schools were founded, and so many sciences taught, in London and its environs, in this period, that it was (not very improperly) called a third university<sup>28</sup>. Edward III. built a college at Westminster, for the study of divinity, which was called *St. Stephen's college*, and was dissolved by Henry VIII. A.D. 1530.<sup>29</sup> Archbishop Bradwardine founded a theological lecture in St. Paul's church, in London, A.D. 1344.; and the famous John of Gaunt Duke of Lancaster built and endowed a college for divines in St. Paul's church-yard<sup>30</sup>. But as it would be tedious to enumerate all the schools that were erected in London and its environs in this period, it may be sufficient to refer such readers as desire more particular information to the work quoted below.<sup>31</sup>

<sup>26</sup> Fuller, p. 13, 14. A. Wood, lib. 1. p. 110. 113.

<sup>27</sup> Id. *ibid.* p. 156. 159.

<sup>28</sup> See Sir George Buc's *Third University of England*, at the end of *Stow's Chronicle*, p. 1063. <sup>29</sup> Id. p. 1066. <sup>30</sup> Id. *ibid.*

<sup>31</sup> Sir George Buc's *Discourse of the Third University of England*.

Soon

Soon after the chief courts of justice were firmly fixed at Westminster, in conformity to an article in the Great Charter, a famous school or university for the study of the law was gradually established in the neighbourhood of that place, consisting of several colleges commonly called *Inns of Court*, and of *Chancery*. These inns or colleges were at first few and inconsiderable; but before the end of our present period, they were become numerous and flourishing. This appears from the following very distinct description of them by Sir John Fortescue, who was a student in one of these inns of court about A. D. 1416. “ The laws are studied in a public manner and place. — It is situated near the King’s palace at Westminster, where the courts of law are held and in which law-proceedings are pleaded and argued. Here, in term-time, the students of the law attend in great numbers, as it were to public schools, and are there instructed in all sorts of law-learning and in the practice of the courts. The situation of the place where they reside and study is between Westminster and the city of London. — There belong to it ten lesser inns, and sometimes more, which are called the *Inns of Chancery*; in each of which there are an hundred students at least, and in some of them a far greater number, though not constantly residing. The students are for the most part young men. Here they study the nature of original and judicial writs, which are the very first principles of the law.

Law university.

“ After they have made some progress here, and  
 “ are more advanced in years, they are admitted  
 “ into the inns of court properly so called. Of  
 “ these there are four in number. In that which  
 “ is least frequented, there are about two hun-  
 “ dred students.—There is both in the inns of  
 “ court, and the inns of chancery, a sort of an  
 “ academy or gymnasium, where the students  
 “ learn singing and all kinds of music, dancing,  
 “ and such other accomplishments and diversions  
 “ as are suitable to persons of their quality, and  
 “ are usually practised at court. At other times  
 “ out of term, the greater part apply themselves  
 “ to the study of the law. Upon festival days,  
 “ and after the offices of the church are over,  
 “ they employ themselves in the study of sacred  
 “ and profane history.—I need not be particular  
 “ in describing the manner and method how the  
 “ laws are studied in those places. But I may  
 “ say in general, that it is pleasant, and excel-  
 “ lently well adapted for proficiency.” It is  
 hardly necessary to observe, that the establish-  
 ment of this law-university was one very happy  
 consequence of fixing the chief courts of justice  
 at one certain place, and contributed not a little  
 to inspire the young nobility and gentry of  
 England (who generally received some part of  
 their education at the inns of court) with a taste  
 for learning.

” Sir John Fortescue, *De Laudibus Legum Angliæ*, chap. 43, 49.

THE  
HISTORY  
OF  
GREAT BRITAIN.

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BOOK IV.

CHAP. V.

*History of the Arts in Great Britain, from the death of King John, A. D. 1216., to the accession of Henry IV. A. D. 1399.*

SECTION I.

*History of the necessary Arts in Great Britain, from A. D. 1216. to A. D. 1399.*

THE most common and capital operations in agriculture, architecture, and other necessary arts, are performed in the same manner, or nearly in the same manner, through many succeeding ages, in every country into which they have been introduced. It is not necessary there-

New inventions, or great improvements, in the necessary arts.

fore, in a work of this nature, to give a description of these permanent operations in every period, which would occasion many tedious and disgusting repetitions. For this reason it is thought sufficient to give an account only of such new inventions, or considerable alterations, in the several arts in each period, as made their first appearance, and became conspicuous in that period.

No great improvements in agriculture.

It is not to be imagined that very many and great improvements were made in agriculture in the period we are now examining, as the circumstances of the country, and manners of its inhabitants, were unfavourable to such improvements. The country was almost constantly involved in war, which diverted the attention of the people, and particularly of the nobility, from the improvement of their lands by agriculture. A taste for this art was even esteemed dishonourable in a person of high rank; and Edward II. was bitterly reproached, as well as much despised, for his fondness for agriculture, and neglect of military exercises<sup>1</sup>. The great barons and prelates, who were the chief proprietors of the soil, kept prodigious quantities of land in their own immediate possession, which they cultivated partly by their slaves or villains, and partly by their tenants, who were obliged to neglect their own farms, and labour for their lords, whenever they were called<sup>2</sup>. Now as these slaves and tenants had

<sup>1</sup> Monachi Malmf. Vita Ed. II. edit. a T. Hear. A. D. 1729. p. 136.

<sup>2</sup> Kennet's Parochial Antiquities. p. 495, &c.



little or no interest in the success of their labours, it is not to be supposed that they were very anxious about performing them in the best manner. We may form an idea of the quantity of land which some great prelates kept in their own possession by the following account of the stock upon the lands of the bishopric of Winchester, delivered to Bishop Wykeham, A. D. 1367., by the executors of his predecessor,—viz. 127 draught-horses, 1556 head of black cattle, 3876 wethers, 4777 ewes, 3541 lambs, besides the sum of 1662l. 10s. equivalent to 20,000l. of our money at present, which they paid for the deficiency of that stock.<sup>3</sup>

The frequent and very destructive famines which prevailed in Britain in this period have been considered as presumptive proofs of the imperfect state of agriculture. Of these I shall mention only two, which seem to have been the most severe. There was so great a famine A. D. 1258., that no fewer than fifteen thousand persons (as we are told by a writer who lived at St. Alban's at that time) died in London of hunger, besides many thousands who perished for want of food in other places\*. But that famine which began A. D. 1314., and continued to rage for three years both in England and Scotland, must have been still more destructive: for in the course of that dearth a quarter of wheat, it is said, was sold for forty shillings, equivalent to

Destructive famines.

<sup>3</sup> Biograph. Britan. 1st edit. Sup. p. 207.

\* M. Paris, Hist. Angl. ann. 1258. p. 653.

thirty pounds of our money at present ; though in the former famine, A. D. 1258., it had never exceeded sixteen shillings<sup>1</sup>. On this occasion the parliament of England interposed, and fixed the price of provisions of all kinds by law : but it was soon found that this law prevented the bringing provisions to market, and it was therefore repealed. The King, in a proclamation which he published at this time, prohibiting the making of malt, and brewing of ale, says,—“ that “ if this was not prevented immediately, not only “ the poor, but people of the middle rank, would “ inevitably perish, for want of food<sup>2</sup>.” In a word, we learn, from the concurring testimony of several historians who lived in those times, or soon after, that prodigious multitudes of people died of hunger, or of diseases contracted by the use of unwholesome food ; and that many were tempted to perpetrate acts of the most unnatural cruelty, to prolong their wretched lives<sup>3</sup>. It may however be observed, that the historians who give an account of those deplorable famines, ascribe them to unfavourable seasons, and not to bad husbandry ; and it is also true, that there may be such seasons as will baffle all the efforts of the most industrious and skilful husbandmen<sup>4</sup>. It must likewise be acknowledged, that at some times in this period grain of all kinds was very

<sup>1</sup> Tyrel, vol. 4. p. 263.—from Rol. Par. 8th Ed. II. Parliament, Hist. vol. I. p. 151.

<sup>2</sup> Johannes de Trokelowe, Annal. Ed. II. p. 37, &c.

<sup>3</sup> Id. *ibid.* Monach. Malm. p. 166. T. Walsingham, p. 108.

<sup>4</sup> M. Paris, p. 653.

plentiful,

plentiful, and sold at a very low rate. A quarter of wheat, A. D. 1288., was sold in some parts of England for twenty pence, in others for sixteen pence, and in others for a shilling.<sup>9</sup>

Though I have not been able to discover that any new operations of great importance in agriculture were introduced in this period, it plainly appears, that all those which had been before in use,—as inclosing, fallowing, manuring, &c. were now performed more universally, and with greater dexterity, than in former times. Inclosing was carried on so briskly, that the lands of England were in general inclosed with ditches and hedges, with trees planted in the hedge-rows, before the end of this period. “The feeding lands (says Sir John Fortescue) are likewise inclosed with “hedge-rows and ditches, planted with trees, “which protect the flocks and herds from bleak “winds, and sultry heats<sup>10</sup>.” Summer-fallowing of fields for wheat was practised as much, if not more, in England, in the thirteenth century, than it is at present. It was then a kind of rule among farmers to have one-third of their arable lands in fallow<sup>11</sup>. In the law-book called *Fleta*, which was composed in the reign of Edward I., very particular directions are given as to the most proper times and best manner of ploughing and dressing fallows<sup>12</sup>. The farmer is there

Operations in agriculture performed better than in former periods.

<sup>9</sup> T. Walsing. *Ypodigma Neufrie*, p. 276.

<sup>10</sup> Fortescue, *De Laudibus Legum Angliæ*, chap. 29.

<sup>11</sup> *Fleta*, lib. 2. chap. 72. p. 159.

<sup>12</sup> *Id. ibid.* chap. 73. p. 163.

directed

directed to plough no deeper in summer than is necessary for destroying the weeds ; not to lay on his manure till a little before the last ploughing, which is to be with a deep and narrow furrow. Rules are also given,—for the changing and chusing feed ; —for proportioning the quantity of different kinds of seed to be sown on an acre, according to the nature of the soil, and the degree of richness ; —for collecting and compounding manures, and accommodating them to the grounds on which they are to be laid ; —for the best seasons for sowing seeds of different kinds on all the variety of soils ; —and in a word, for performing every operation in husbandry, at the best time, and in the best manner<sup>13</sup>. In the same work, the duties and business of the steward, bailiff, and overseer, of a manor, and of all the other persons concerned in the cultivation of it, are explained at full length, and with so much good sense, that if they were well performed, the manor could not be ill cultivated.<sup>14</sup>

**Gardening.** Gardening, one of the most pleasant parts of agriculture, was not neglected in this period. Almost every great castle, and larger monastery, had, besides a kitchen-garden, a herbary or physic garden, a *pomarium* or orchard : and some of them had also vineyards. The monks of Dunstable were at much expence, A. D. 1294., in repairing the walls about the garden, and also the walls about the herbary of their priory ; and the

<sup>13</sup> Fleta, lib. 2. ch. 72, 73. 76.

<sup>14</sup> Ibid. ch. 72—88.

herbary

herbary mentioned in Chaucer's Nonne's priest's tale, appears to have been well stored with medicinal herbs, shrubs, &c.<sup>15</sup> The orchards of the great barons and prelates, as well as of the richer convents, contained a variety of fruit-trees which are commonly believed to have been brought into Britain at a much later time. The historians of this period commonly conclude the annals of every year with an account of the seasons, and of the abundance or scarcity of corns, fruits, and herbage. Matthew Paris, in the conclusion of his history, of A.D. 1257., observes that the seasons had been very unfavourable, which had produced a famine, of which many of the common people died.—“ That apples were scarce, pears “ still scarcer ; but that cherries, plums, figs, “ and all kinds of fruits included in shells, were “ almost quite destroyed.” “

The historians of this period sometimes mention vine-dressers and vineyards. The prior of Dunstable paid into the exchequer, a sum of money for an amercement which had been incurred by Stephen and Peter his vine-dressers, A.D. 1220.<sup>16</sup> Ralph Abbot of St. Augustine's, Canterbury, caused vines to be planted in a field at Nordhome, A.D. 1320., which (as we are told by the historian of that monastery, who had often seen them) did him great honour, and proved very

<sup>15</sup> *Annal. de Dunstable*, ad an. 1294. Chaucer's Works, edit. Urry, p. 170. Walpole's *Anecdotes of Painting*, vol. 1. p. 17.

<sup>16</sup> *M. Paris*, ad an. 1257. p. 645.

<sup>17</sup> *Annal de Dunstable*, ad an. 1220. p. 94.

profitable

profitable to the society". It is hardly credible, that these historians could be guilty of so gross an abuse of words, as to call a common gardener *vinitor*, and a common orchard of apple-trees *vinea*. An act of parliament that was made A.D. 1423., for regulating the capacity or measure of tuns, pipes, tertians, and hogheads of wine, was framed to comprehend those for wines made at home, as well as for wines imported. "It is ordained and stablished, that no man, after the end of twelve months from the feast of Easter next coming, shall bring into the realm of England, from what country soever it be, nor make within the same realm, a tun of wine, except it contain of the English measure two hundred and fifty-two gallons, &c. upon pain of forfeiture of the same wine". This seems to indicate, that the wines made in England were considerable for their quantity, and that they were of the same kind with foreign wines, though probably of an inferior quality.

Treatises  
on agricul-  
ture writ-  
ten in  
Latin.

It is a curious circumstance, that not only treatises composed at this time for the instruction of farmers, and their servants, down to the swineherd, were written in Latin; but even the accounts of the expences and profits of farms and dairies were kept in that language<sup>20</sup>. The Latin of these accounts, it must be confessed, was not

<sup>20</sup> Chron. W. Thorn, apud X Script. col. 2036.

<sup>21</sup> Ruffhead's Statutes at Large, vol. 1. p. 527.

<sup>22</sup> Fleta, lib. 2. chap. 72—88. Kennet's Parochial Antiquities, p. 548. 570.

perfectly

perfectly classical; as will appear from the following short specimen:—"Et pro uno *seedcod* empto iiii d.—Et pro uno *cartfadel* uno colero cum uno pari tractuum emptis xiv d.—Et pro *factura de drawgere* iiii d.—Et pro uno donge-  
"cart empto xiv d.—Et pro *sarratione et do-*  
"lacione unius *cartbody* vid." <sup>21</sup>

As the sacred, civil, and military architecture of this period was nearly in the same style with that which was introduced towards the end of the preceding period, and which hath been already described, it will not be necessary to dwell long on that subject, in this place. <sup>22</sup>

Architec-  
ture nearly  
the same as  
in the pre-  
ceding pe-  
riod.

Building churches and monasteries being still believed to be one of the most effectual means of obtaining the pardon of sin and the favour of heaven, prodigious numbers of both were built in Britain, in the thirteenth and fourteenth centuries. In the reign of Henry III. alone, no fewer than one hundred and fifty-seven abbies, priories, and other religious houses, were founded in England <sup>23</sup>. Many of the cathedral and conventual churches were very large, lofty, and magnificent fabrics; which were raised at a very great expence of labour, time, and money. Of this a careful inspection of the cathedrals of York, Salisbury, Litchfield, Worcester, Gloucester, Ely, Winchester, and several others, which were built in this period, will afford the most

Sacred ar-  
chitecture.

<sup>21</sup> Kennet's *Parochial Antiquities*, p. 549, &c.

<sup>22</sup> See vol. 6. p. 180—192.

<sup>23</sup> *Große's Antiquities*, vol. 1. preface, p. 32.

fatisfac-

satisfactory proof; and at the same time will give the clearest ideas of the style of sacred architecture which then prevailed. This style was what is commonly called the lighter Gothic, with some variations. In the thirteenth century, the fashionable pillars in churches were of Purbic marble, very slender and round, encompassed with marble shafts a little detached, having each a capital adorned with foliage, which joining, formed one elegant capital for the whole pillar. The windows were long and narrow, with pointed arches and painted glass, which was introduced about that time, or at least became more common. In this century also they began to delight in lofty steeples, with spires and pinnacles. In the fourteenth century, the pillars consisted of an assemblage of shafts not detached, but united, forming one solid and elegant column: the windows, especially those in the east and west ends, were greatly enlarged, divided into several lights, by stone-mullions, running into ramifications above, and forming numerous compartments in various fanciful shapes. Those windows, filled with stained glass of the most lively colours, representing kings, saints, and martyrs, and their histories, made a most solemn and glorious appearance. There were several other variations, especially in the taste of the carvings and other ornaments, which are too minute for general history.<sup>14</sup>

<sup>14</sup> See Preface to Grose's *Antiquities*, Beetham's *History of Ely*, Wren's *Parentalia*.



The opulence of the clergy, and zeal of the laity, furnished ample funds for building so great a number of magnificent churches, monasteries, and religious houses, that it was with great difficulty workmen could be procured to execute those pious works. The popes, for very obvious reasons, favoured the erection and endowment of churches and convents; and granted many indulgencies, by their bulls, to the society of masons, in order to increase their numbers. These indulgencies produced their full effect in those superstitious times; and that society became very numerous, and raised a prodigious multitude of magnificent churches about this time in several countries: " For (as we are told by one who was well acquainted with their history and constitution) the Italians, with some Greek refugees, and with them French, Germans, and Flemings, joined into a fraternity of architects, procuring papal bulls for their encouragement, and particular privileges; they styled themselves Free-masons, and ranged from one nation to another, as they found churches to be built (for very many in those ages were every where in building, through piety or emulation): their government was regular; and where they fixed near the building in hand, they made a camp of huts. A surveyor governed in chief; every tenth man was called a warden, and overlooked each nine. The gentlemen in the neighbourhood, either out of charity or commutation of penance, gave the

Society of  
Free-masons.

“ materials and carriages. Those who have seen  
 “ the accounts in records of the charge of the  
 “ fabrics of some of our cathedrals, near four  
 “ hundred years old, cannot but have a great  
 “ esteem for their economy, and admire how  
 “ soon they erected such lofty structures.”<sup>25</sup>

Construc-  
 tion of  
 castles.

The great barons and prelates of Britain still continued to reside in castles, which served them at once for dwelling and defence. The general plan of these castles hath been already described; and that plan was for the most part followed in the present period<sup>26</sup>. The chief towers, commonly called *the keeps*, of several of these castles, have lately been examined with great attention; from whence it appears, that they were contrived with wonderful art to answer the following purposes, which they had in view in their construction: 1. To render the entrance or gate at once magnificent and impregnable.—2. To secure the garrison, and to enable them to annoy the besiegers.—3. To delude the besiegers to attack the strongest parts, by giving them an appearance of weakness.—4. To put their prisoners, provisions, and implements of war, out of the reach of danger.—5. To convey the engines of war to any place of the castle with ease and expedition.—6. To communicate intelligence in a moment to any part of the building.—7. To supply the garrison with water.—8. To convey away the smoke and filth.—9. To provide a commodious and safe habitation for the lord of

<sup>25</sup> Wren's *Parentalia*, p. 306, 307.

<sup>26</sup> See vol. 6. p. 189.

the castle and his family. For the various contrivances to answer these purposes, the reader must be referred to the work quoted below<sup>27</sup>; only, as a specimen, I shall mention the contrivance they employed to secure a constant supply of water to every apartment. The tower was divided within into two equal parts, by a thick partition-wall of masonry, from the bottom to the top. The well for supplying the garrison with water was under the foundation of this partition-wall; and the pipe of it was carried up in the middle of the wall to the leads of the castle, where the pulley for drawing the water was fixed. The people on each floor had access to the pipe of the well, for furnishing themselves with water, by a small arched opening in the partition-wall. From the ground-floor to the water, little square cavities were cut in the sides of the pipe, at proper distances, by which a person might descend to cleanse the well. It seems to be impossible to invent a more effectual method than this to prevent the garrison from being deprived of the necessary article of water; and it may be truly said, that the contrivances to answer their other purposes were no less artful and ingenious<sup>28</sup>. It must, however, be confessed, that the great barons and prelates of this period sacrificed their convenience to their security; which seems to have been their chief concern in the construction of their castles; the apartments of which were commonly

<sup>27</sup> Mr. King's Observations on Ancient Castles.

<sup>28</sup> Id. Ibid.

gloomy, the bed-chambers few and small, the passages narrow and intricate, and the stairs steep and dark.

Metallic  
arts.

The arts of refining and working metals are so useful in themselves, and so necessary to the practice of other arts, that they merit some attention in every period. The keen pursuit of the philosopher's stone, in which many ingenious men were at this time engaged, contributed not a little to make them better acquainted with the nature and composition of metals, and with the arts of compounding, melting, and refining them. With the arts of tempering and polishing steel, and thereof fabricating defensive armour and offensive arms, they were well acquainted. Of copper they not only made many useful utensils, but even statues. The sum of four hundred pounds was paid, A.D. 1395., to Nicholas Broker and Godfrey Prest, citizens of London, and copper-smiths, for two statues, one of the king, and another of the queen, made of copper, and gilt, with crowns on their heads, their right hands joined, and holding sceptres in their left hands<sup>29</sup>. Statues of brass were still more common in churches, and on monuments<sup>30</sup>. The goldsmiths and jewellers were very numerous, and some of them excelled in their profession. The goldsmiths of London represented to Edward III. A.D. 1341., that many of their workmen had lost their sight by the heat of fire and the fumes of quicksilver; and that seve-

<sup>29</sup> Madox Firma Burgi, p. 23. note (o).

<sup>30</sup> Walpole's Anecdotes of Painting, vol. 1: p. 20.

ral others had become paralytic, infirm, and weak, by performing other parts of their work; and upon this representation, and their petition, that prince granted them leave to found and endow an hospital for the reception of those who had lost their sight, or health, in their service<sup>31</sup>. This seems to indicate, that workmen of that kind, at that time, in London, were very numerous. That some of them excelled in their profession, appears from the testimony of contemporary writers, and records, and from their descriptions of many beautiful pieces of gold and silver plate. Alan de Walsingham, a monk of Ely, in the thirteenth century, and several others, are celebrated for their superior skill in the goldsmith's art; and it is impossible to peruse the description of the gold and silver plate and jewels taken from Piers Gavaston, the unfortunate favourite of Edward II. by the earls of Lancaster and Warwick, without admiring both the quantity and workmanship<sup>32</sup>. Some pieces of the silver plate in that collection are said to have been worth four times the quantity of silver which they contained<sup>33</sup>. At the triumphant entry of Richard II. and his good Queen Anne into London, A.D. 1392., the citizens, besides many other gifts, presented a crown of gold to the King, and another to the Queen, both of great value, at the Fountain in Cheapside; and when the procession had advanced a little

<sup>31</sup> Rym. Fœd. tom. 5. p. 246.

<sup>32</sup> T. Walsing. Hist. Ang. p. 104. Rym. tom. 3. p. 388. Walpole's Anecdotes of Painting, vol. 1. ch. 1. &c.

<sup>33</sup> Id. Ibid.

further, they presented a table of gold, with a representation of the Trinity upon it, worth eight hundred pounds, equivalent to eight or ten thousand pounds of our money, to the King; and another table of gold, with a figure of St. Anne upon it, of equal value, to the Queen<sup>34</sup>. There is the fullest evidence, that England was very rich in gold and silver plate in this period: for besides the immense masses of those precious metals in the cathedral, conventual, and other churches, made into images, altar-tables, vessels and utensils of various kinds, some of the nobles had greater quantities of plate than we could imagine. When the palace of the Savoy, belonging to John of Gaunt Duke of Lancaster, was burnt, with all its rich furniture, in the great insurrection A.D. 1381, the keeper of the Duke's wardrobe declared, upon oath, That the silver, silver-gilt, and gold plate, in that palace, would have loaded five carts<sup>35</sup>. The arts of gilding works made of other metals with gold, and of embossing and enchaſing gold and silver plate, were well known in this period. Gilt plate and gilt statues are frequently mentioned by our ancient historians: and we may be certain, that the figures representing the Trinity and St. Anne upon the two tables of gold, presented by the citizens of London to Richard II. and his Queen, were embossed or enchaſed<sup>36</sup>. Nor was

<sup>34</sup> Knyghton, apud X Script. col. 2740.

<sup>35</sup> Id. *ibid.* col. 2635.

<sup>36</sup> Madox *Firma Burgi*, p. 33. note (o). *Anglia Sacra*, tom. I. p. 414. Knyghton, col. 2740.

the still more delicate art of enamelling plate and jewels unknown in the times we are now considering. It appears, from the descriptive catalogue published by Mr. Rymer, that besides jewels there were several pieces of enamelled plate in the collection of Piers Gavaston.<sup>27</sup>

The arts of cutting and setting precious stones <sup>Lapidaries' art.</sup> in crowns, rings, and other ornaments, though they are rather ornamental than necessary, may not improperly be introduced in this place, as they are so nearly connected with the metallic arts. They were far from being unknown in Britain in this period: for it is not credible that all the jewels (which appear to have been very numerous and valuable) in the possession of our kings, nobles, and prelates, at this time, were of foreign workmanship. Though Henry III. was one of the most indigent princes that ever filled the throne of England, he had many curious and valuable jewels, which he was sometimes obliged to pawn. Among the jewels which he gave in pawn to the King of France, A. D. 1261., for five thousand marks, and relieved, A. D. 1272., there were no fewer than 324 gold rings, set with precious stones of various kinds.<sup>28</sup>

It is not known to whom we are indebted for the invention of the ingenious and useful art of <sup>Art of making clocks.</sup> making clocks of metal for measuring time and striking the hours. The first clock we hear of in Britain was placed in the old clock-tower oppo-

<sup>27</sup> Rym. Fœd. tom. 3. p. 388, &c.

<sup>28</sup> Id. tom. 1. p. 736, 778.

sited to the gate of Westminster-hall, and is said to have been purchased with part of a fine of 300 marks imposed upon Randolph de Hengham, chief justice of the King's-bench, A.D. 1288.<sup>39</sup> Soon after this (A.D. 1292.) another clock, which cost 30*l.* equivalent to 400*l.* of our money at present, was set up in the cathedral of Canterbury<sup>40</sup>. These most ancient clocks were probably imported, or made by a foreign artist. For about seventy years after this, Edward III. invited three foreign clock-makers, viz. John Uninam, William Uninam, and John Lutuyt of Delft, to come into England, and granted them his royal protection to exercise their trade of clock-making in any part of his kingdom without molestation<sup>41</sup>. The design of this protection certainly was, to increase the number of these artists in his dominions, that their works might be more easily obtained. By these means, clocks were not uncommon in England, especially in cathedral and conventual churches, before the end of the fourteenth century. Chaucer compares the crowing of a cock to a church-organ for sweetness, and to a church-clock for exactness as to time :

His voice was merier than the merie organ,  
On masse dayis that in'the churches gon,  
Wel liker was his crowing in his loge,  
Than is a clock, or abbaye horologe.<sup>42</sup>

<sup>39</sup> Selden, Pref. to Hengham. Coke's 3d Inst. p. 72. 4th Inst. p. 255.

<sup>40</sup> Dart's Canterbury, Append. p. 3.

<sup>41</sup> Rym. Fœd. tom. 6. p. 590.

<sup>42</sup> Chaucer's Works, p. 169.



Clocks were not only numerous, but the art of making them was brought to a considerable degree of perfection in England, before the end of this period. This appears from the following description of an astronomical clock made by Richard de Wallingford, Abbot of St. Alban's in the reign of Richard II. Leland, who seems to have seen and examined this famous clock, having told us that Richard de Wallingford was the greatest mathematician, astronomer, and mechanic of his age, proceeds in this manner: "After he was chosen abbot, his ardent love of learning, and intense application to study, did not in the least abate. On the contrary, being now possessed of wealth and leisure, he resolved to leave a lasting monument of his ingenuity, art, and learning. With this view, he fabricated, at a great expence of money, thought, and labour, a most wonderful clock, which represents the revolutions of the sun and moon,—the fixed stars,—the ebbing and flowing of the sea,—besides an almost infinite number of other lines and figures. When he had finished this astonishing piece of mechanism, to which, in my opinion, there is nothing in Europe comparable, he composed a book of directions for managing and keeping it in order, that it might not be ruined by the ignorance of the monks." "

Watches were also made, or at least used in Britain, not long after the beginning of the four-  
Watch-making.

" Leland de Scriptoribus Britannicis, tom. 2. p. 404.

teenth century. A watch of that date was lately found by some labourers at Bruce-castle in Fifeshire, and is now in the possession of His present Majesty, the illustrious descendant of its original proprietor, the heroic Robert Bruce, King of Scotland, from A. D. 1306. to A. D. 1329. This very curious piece of antiquity is thus described by a learned and honourable gentleman, who examined it with attention: "The outer case is  
 "of silver, raised, in rather a handsome pattern,  
 "over a ground of blue enamel; and I think I  
 "can distinguish a cypher of R. B. at each corner of the enchased work. On the dial-plate is  
 "written *Robertus B. Rex Scottorum*, and over it is  
 "a convex transparent horn, instead of the glasses  
 "which we use at present.—This very singular  
 "watch is not of a larger size than those which  
 "are now in common use." 44

Cloth manufacture.

The people of Flanders and the Netherlands had long been the chief manufacturers of woollen cloth in Europe, and had thereby acquired immense wealth, which naturally excited the envy and emulation of other nations 45. The English in particular, having great quantities of the most excellent wool, by degrees became sensible of the great advantages with which the manufacturing of it at home would be attended; and from time to time encouraged that manufactory 46. But that

44 *Archæologia*, vol. 5. p. 419, 420.

45 *Gervas*, apud *X Script.* col. 1349.

46 See vol. 6. chap. 5. p. 195.

great and wise Prince Edward III. made the most vigorous and successful efforts to that purpose. In the fifth year of his reign, A. D. 1331., John Kempe, a famous woollen manufacturer of Flanders, came into England with his workmen and apprentices, and was most graciously received by Edward; who took him under his immediate protection, and published a proclamation, promising the like protection and favour to all foreign weavers and fullers who would come and settle in England<sup>47</sup>. In consequence of that invitation, no fewer than seventy families of Walloons came and settled in England the same year; and these were followed by many others in the succeeding years of that reign.<sup>48</sup>

The parliament of England seconded the prudent and patriotic views of that prince, by making several statutes for the encouragement of the woollen manufactory, A. D. 1337. By one of these statutes, the exportation of wool, either by foreigners or denizens, is made felony, until the king and his council shall order it otherwise; by another it is enacted, that no foreign cloths shall be imported into the king's dominions, under the penalty of the forfeiture of the cloths, and the importer to be punished at the king's will; by a third, none were to wear any foreign cloths except the royal family; and by a fourth, cloth-workers of all countries were invited to come into the king's dominions, by promises of pro-

Laws for the encouragement of the manufacturing wool-len cloth.

<sup>47</sup> Rym. Fæd. tom. 4. p. 496.

<sup>48</sup> Id. ibid. p. 723. 751.

tection and encouragement". Though these laws were premature, and could not be executed in their full extent at that time, they had a great effect, and contributed very much to the establishment of the woollen manufacture in England.

Foreign  
manufac-  
turers in-  
sulted.

The people in general, and the weavers in particular, did not immediately perceive the salutary tendency of these measures of their king and parliament. On the contrary, they were much offended to see such crowds of foreign weavers settling in all the principal towns of England, and thriving by their skill and industry. In London those hated foreigners were so cruelly insulted, that their lives were continually in danger. To put a stop to those outrages, which threatened the disappointment of his designs, Edward issued a mandate to the mayor and sheriffs of London, A. D. 1344., to apprehend every person who gave any disturbance to the foreign cloth-weavers, to commit them to the prison of Newgate, and send him an account of their names, that they might be punished.<sup>50</sup>

Different  
kinds of  
cloth ma-  
nufactur-  
ed.

By these and the like means, that excellent prince established the manufactory of woollen cloths of many different kinds in England, in so effectual a manner, that before the end of his reign it was in a very flourishing state. This appears from a curious paper published by Mr. Rymer, in the seventh volume of his *Fœdera*, containing a

<sup>49</sup> Statutes at Large, by Mr. Ruffhead, vol. 1. p. 221.

<sup>50</sup> Rym. Fœd. tom. 5. p. 429.

grant from Richard II., A.D. 1382., to Cosmo Gentilis, the collector of the pope's revenues in England, to export a great many pieces of different kinds of cloths of various colours, without paying any duty<sup>51</sup>. The first article in that grant consists of six pieces of tapestry of a green ground, powdered with roses, which the King sent as a present to the Pope. If this was the manufactory of England, which is very probable, it affords sufficient evidence that the weaving art, and the other arts connected with it, had then attained a considerable degree of perfection.

Though the cruel and destructive art of war Art of war. was never more necessary, nor more practised in Britain than in the present period, few improvements of importance were made in that art, in the course of the thirteenth century. The armies were constituted, commanded, and armed in the same manner as in the former period, which hath been already described.<sup>52</sup>

The engines employed in battering the walls Military engines. of towns and castles, acted with great force; and some of them were of an enormous size. Those used by Edward I. at the siege of Stirling castle, A.D. 1303., threw stones of three hundred pounds weight<sup>53</sup>. One of these stones was thrown with so much force (if we may believe Matthew of Westminster) that it passed through both the outward walls of the castle<sup>54</sup>. When Edward III.

<sup>51</sup> Rym. Ford. tom. 7. p. 356.

<sup>52</sup> W. Hemmingford, p. 205.

<sup>53</sup> See vol. 6. p. 201—217.

<sup>54</sup> Mat. Westm. l. 2. p. 448.

invaded

invaded Brittany, A.D. 1342., he carried his engines with him from the tower of London to Sandwich, with an intention to transport them to the continent; but not being able to procure a sufficient quantity of shipping to transport both his troops and engines, he left these last behind him, and gave a commission to John de Wynewyk and William de Hurle, to press as many ships in all the ports of the kingdom, as would be necessary to carry back the engines to the tower<sup>55</sup>. This is a sufficient proof that those instruments of destruction were of a great size, as well as very numerous. This ancient artillery continued to be used in sieges a considerable time, some of them two centuries after the invention of gunpowder and cannon.<sup>56</sup>

**Greek-fire.** Greek-fire continued also to be employed in war, long after the introduction of fire-arms, particularly in the attack and defence of strong places. When an English army, commanded by the martial Bishop of Norwich, besieged Ypres, A.D. 1383., the garrison, it is said, defended themselves so well with stones, arrows, lances, Greek-fire, and certain engines called *guns*, that they obliged the English to raise the siege with such precipitation, that they left behind them their great guns, which were of inestimable value<sup>57</sup>. A part of that army was soon after besieged in the town of Burborough, by the French,

<sup>55</sup> Rym. Fœd. tom. 5. p. 350.

<sup>56</sup> P. Daniel, Histoire de la Milicie Française, tom. 1. p. 319.

<sup>57</sup> T. Walsing. p. 303.

who-

who threw such quantities of Greek-fire into it, that they burnt a third part of the town, which obliged the English to capitulate.<sup>58</sup>

The cross-bow was considered as so destructive Cross-  
bows. an instrument, that the use of it amongst Christians against one another was prohibited by a canon of the second council of Lateran, A.D. 1139., and by a bull of Pope Innocent III. in the beginning of the thirteenth century, which for a time had their effect<sup>59</sup>. But by degrees these prohibitions were disregarded, the cross-bow was resumed, and continued in use during the whole of this period. It was a very destructive instrument, throwing arrows or quarrels to a great distance. These quarrels were larger than other arrows, some of them were made of brass, and pointed with steel.<sup>60</sup>

It may seem surprising, that the invention of Reasons  
why fire-  
arms made  
so little  
change in  
the art of  
war. gunpowder made so little alteration in the art of war for so long a time. This was owing to several causes. The art of making gunpowder was long very imperfect, and known to few; and the art of making instruments proper for applying it to the purposes of war was still more imperfect. In consequence of this, both gun-powder and fire-arms were long very scarce and very dear. We cannot suppose that the cannon which the English left behind them when they raised the siege of Ypres A.D. 1383., were either very large or very numerous; and yet we are told by a

<sup>58</sup> T. Walsing. p. 304.

<sup>59</sup> P. Daniel, tom. 1. p. 308.

<sup>60</sup> Rym. Fœd. tom. 3. p. 16.

contemporary historian, that their value was inestimable. The same historian relates, that an English fleet, A.D. 1386., took two French ships with very valuable cargoes; and a quantity of gunpowder was found in one of them, which was of greater value than all the other commodities<sup>61</sup>. Besides this, the warriors of those times were in possession of very powerful instruments of destruction, with the management of which they were well acquainted; and therefore we may presume that they were not very forward in adopting new ones of so different a nature.

But though the invention of gunpowder and fire-arms did not produce immediately any very remarkable change in military matters; yet by slow degrees, and in length of time, it brought about an almost total alteration in the art of war: and therefore it may be proper to pay some attention to the progress of this great revolution.

Invention  
of gun-  
powder.

That the ingredients of gunpowder, and the art of making it, were known to our ingenious countryman, Roger Bacon, is undeniable<sup>62</sup>. But that humane philosopher, dreading the consequences of communicating this discovery to the world, transposed the letters of the Latin words which signify charcoal, which made the whole obscure<sup>63</sup>. By this means he rendered it difficult to discover this

<sup>61</sup> T. Walsing. p. 323.

<sup>62</sup> Baconi Epistola de Secretis Operibus Artis et Naturæ, cap. II.

<sup>63</sup> Sed tamen falsis petræ, luru mope can vbre (carbonum pulvere,) et sulphuris; et sic facies tonitruum et coruscationem, si scias artificium.

danger-



dangerous secret by the perusal of his works, and at the same time secured to himself the honour of having known it, if it should be discovered by any other person. This accordingly happened not long after Bacon's death: for about the beginning of the fourteenth century one Barthold Schwartz, a German monk and chymist, accidentally discovered gunpowder as he was pounding saltpetre, sulphur, and charcoal in a mortar, for some other purpose.<sup>64</sup>

It is difficult to discover the exact time when gunpowder and fire-arms were first employed in war by the British nations. If we may give credit to John Barbour, Archdeacon of Aberdeen, in his metrical life of King Robert Bruce, Edward III. had cannon (which that author calls *crakys of war*) in his first campaign against the Scots A.D. 1327. On that occasion, he acquaints us, the Scots observed two great novelties in the English army, which he thus describes:

Introduc-  
tion of  
fire-arms.

Two novelties that day they saw,  
That forouth in Scotland had been nane.  
Timbers for helmes was the ane,  
That they thought then of great beautie,  
And also wonder for to see.  
The other crakys were of war,  
That they before heard never air.<sup>65</sup>

It is probable, that the archdeacon received this anecdote from some of his countrymen who had

<sup>64</sup> Du Cange Gloss. voce Bombarda.

<sup>65</sup> Barbour's Life of Bruce, p. 408, 409.

been in the Scotch army, and heard these crackys of war; as he wrote his book only about forty years after that time. It seems to have been several years after this, when the Scots first made use of cannon; which it is probable they received from France: for a fleet consisting of five large ships, loaded with men and arms, arrived in Scotland from France A. D. 1339., which encouraged the Scots to attempt the recovery of those strong places which the English still possessed in Scotland. With the assistance of these auxiliaries they took Perth, and then besieged the castle of Stirling; and being informed that an army was ready to march from England to its relief, they battered the place with cannon and other engines, and compelled the garrison to capitulate<sup>66</sup>. That fire-arms were used in France at that time, and before it, appears from the following article in the accounts of the treasurer of war, A. D. 1338. :—" To Henry de Faumichan, " for gunpowder and other things necessary for " the cannon at the siege of Pui Guillaume<sup>67</sup>." Edward III. had cannon in his army at the famous battle of Cressy, and still more famous siege of Calais, A. D. 1346.<sup>68</sup> By degrees the use of cannon became more and more common, so that in a few years the consternation that was at first produced by their explosion was very much abated. This we learn from the illustrious Pe-

<sup>66</sup> Froissart, l. i. c. 74.<sup>67</sup> Du Cange Gloss. voce Bombarda.<sup>68</sup> J. Villani, l. 12. c. 66. Froissart, l. i. c. 144.

trarch, in his dialogues on the remedies of good and bad fortune, which were written A. D. 1358. In one of these dialogues between G. and R. is the following remarkable passage: "G. I have  
 " cross-bows, and other machines of war. R.  
 " I am surpris'd that you have not also some of  
 " those instruments which discharge balls of me-  
 " tal with the most tremendous noise, and flashes  
 " of fire.—These destructive plagues were a few  
 " years ago very rare, and were viewed with the  
 " greatest astonishment and admiration; but  
 " now (1358.) they are become as common and  
 " familiar as any other kind of arms. So quick  
 " and ingenious are the minds of men in learning  
 " the most pernicious arts!"<sup>69</sup>

Cannon, or as they were called, *bombards*, were Cannon.  
 the most ancient fire-arms<sup>70</sup>. The first cannon  
 were very clumsy and ill contrived, wider at the  
 mouth than at the chamber, and so like a mor-  
 tar, that it is probable the idea of them was sug-  
 gested by that in which Schwartz pounded his  
 materials when he discovered gunpowder<sup>71</sup>. This  
 capital error in the art of making cannon was soon  
 corrected; but others still remained. They were  
 all made of iron, without any mixture of other  
 metals; some of them were too long, and others  
 of them too short<sup>72</sup>. In a word, the art of mak-  
 ing cannon was still very imperfect long after  
 the conclusion of this period.

<sup>69</sup> Petarch, De Remediis utriusque Fortunæ, Basil. edit. p. 84.

<sup>70</sup> Du Cange Gloss. voce Bombarda.

<sup>71</sup> P. Daniel, tom. 1. p. 342.

<sup>72</sup> Id. lib. 6. chap. 5.

Made in  
England.

Both gunpowder and cannon were made in England in the fourteenth century. This appears from a commission given to Thomas Norwich by Richard II. A.D. 1378., to buy two great and two small cannon in London, or any other place, and also to buy certain quantities of saltpetre, sulphur, and charcoal, for making gunpowder<sup>73</sup>. From the same commission, as well as from other evidences, it appears, that cannon-balls were at first frequently made of stone; for the same person is therein commanded to purchase six hundred balls of stone, for cannon and for other engines.<sup>74</sup>

Hand-canon.

Besides great guns, which are still named *cannon*, a smaller kind of fire-arms, called *hand-cannon*, came into use in this period. They were so small and light, that one of them was carried by two men, and fired from a rest fixed in the ground<sup>75</sup>. The four hundred cannon, or the greatest part of them, with which an English army besieged St. Malo A.D. 1378., must have been of this kind.<sup>76</sup>

Prisoners  
of war.

It was a happy circumstance, that in those turbulent times avarice gave some check to cruelty, and many persons who might have been killed in battle were saved, and taken prisoners, for the sake of their ransoms. These ransoms were commonly as great as the captives were capable of paying; and many prisoners were obliged to sa-

<sup>73</sup> Rym. Fœd. tom. 7. p. 187.

<sup>74</sup> Id. ibid. P. Daniel, tom. 1. lib. 6. p. 324.

<sup>75</sup> Id. ibid. p. 321.

<sup>76</sup> Froissart, tom. 2. p. 34.

crifice their fortunes to regain their freedom. To say nothing of the ransoms of the kings of France and Scotland, Bertrand du Guescline, constable of France, who was taken by the English A. D. 1368., paid no less than one hundred thousand franks of gold before he could obtain his liberty<sup>77</sup>. By this means war became a very gainful trade to those who were so fortunate as to take many or wealthy prisoners. The famous Sir Walter Manny, who acquired so much fame and wealth by war in the reign of Edward III., gained no less than 8000 l. (containing as much silver as 24,000 l. and equal in value to 100,000 l. of our money at present) by the prisoners he had taken in one campaign, A. D. 1340.<sup>78</sup> Prisoners of war were so much the property of their captors, that they sometimes sold them, and sometimes left them in legacies to their friends; and when they did not dispose of them, they descended to their heirs<sup>79</sup>. But to prevent dangerous prisoners from being too easily set at liberty, the king had a power to demand them from their captors, on paying a competent sum for their ransom, or to command their captors not to ransom them without a royal licence.<sup>80</sup>

<sup>77</sup> Froissart, tom. 2. p. 332.<sup>78</sup> Rym. Fœder. tom. 5. p. 183.<sup>79</sup> Id. ibid. p. 531. 535.<sup>80</sup> Id. ibid. p. 532. Pasquier, Recherches de la France, p. 379.

## SECTION II.

*History of the fine and pleasing arts of Sculpture, Painting, Poetry, and Music in Britain, from A.D. 1216. to A.D. 1399.*

Fine arts  
cultivated.

**S**EVERAL things contributed to promote the cultivation of the fine arts in the present period. In particular,—the manner of building and furnishing churches,—the forms of public worship,—the opulence of the clergy,—and the splendour and munificence of the greater barons. These things furnished constant employment, and ample rewards, to the professors of the pleasing arts, and rendered a genius for sculpture, painting, poetry, and music, equally honourable and profitable to the possessor.

Sculpture.

Many cathedral, conventual, and other churches, were built in Britain in this period, which were in general magnificent structures, ornamented on the outside with statues of all dimensions, and with various figures of angels, saints, popes, prelates, and monks, in basso and alto relievo. The statues and sculptures that were executed in France, have been better preserved than those of Britain; and plates with descriptions of many of them, have been published by Father Montfaucon; who declares,—That the sculptors of the thirteenth century greatly excelled

celled their predecessors in several respects'. Besides those which have been defaced by time and the injuries of the weather, many of the statues and sculptures which ornamented the churches of this island were demolished by violence at the reformation, or in the civil wars of the last century; but those few which still remain confirm the truth of Father Montfaucon's declaration.<sup>2</sup>

That superstitious veneration which was universally paid to crucifixes, and to the images of the Virgin Mary, the apostles, and other saints, furnished another branch of business to the statuary of this period; and they were excited, by the most ample rewards, to exert all their skill to give those objects of the people's devotion a graceful and venerable appearance. Several of the clergy, and particularly of the monks, applied to the pious work (as it was then esteemed) of making images for their churches, and were prompted by their religious zeal, and by the prospect of obtaining both wealth and honour, to render them as attracting as possible. Walter de Colecester, sacrist of the abbey of St. Alban's, is celebrated by Matthew Paris, his contemporary, and a monk of the same abbey, as an admirable statuary; and several of his works are described as exquisitely beautiful.<sup>3</sup>

<sup>1</sup> Montfaucon *Monuments de la Monarchie Française*, tom. i.

<sup>2</sup> Fox's *Acts and Monuments*, p. 369. col. 1.

<sup>3</sup> M. Paris, *Vitæ Abbatum*, p. 80, 81.

Shrines  
and tombs.

The shrines of saints, with the tombs of princes, prelates, barons, knights, and their ladies, afforded further employment to the statuaries and sculptors of this period; as they were generally adorned with statues, and some of them with a great number of figures<sup>4</sup>. Some of these works were probably executed by foreign artists; as, particularly, the shrine of Edward the Confessor, in Westminster Abbey, by Peter Cavallini, a Roman sculptor<sup>5</sup>. But, upon the whole, we have sufficient evidence, that this art was cultivated with care and success in Britain in this period. For, besides all the statues that were used at home, we find that some, probably considerable numbers, were exported. Richard II. granted a licence to Cosmo Gentile, the Pope's collector in England, A. D. 1382., to export three great images, one of the Virgin Mary, one of St. Peter, and one of St. Paul, and a small image of the Holy Trinity, without paying any duty or custom for them, which seems to indicate, that certain customs were then payable on the exportation of such commodities.<sup>6</sup>

Painting.

When sculpture was cultivated, the kindred art of painting could not be neglected. On the contrary, there are the clearest proofs remaining, that painting was cultivated with still greater diligence

<sup>4</sup> See Brown Willes Cathedrals, Weaver's Monuments, &c.

<sup>5</sup> Mr. Walpole's Anecdotes of Painting, vol. I. p. 18.

<sup>6</sup> Rym. Fed. t. 7. p. 357.

and



and success than the other<sup>7</sup>. In particular, painting appears to have flourished very much in the former part of this period, under the patronage of Henry III. who was a most munificent encourager of the fine arts<sup>8</sup>. This prince kept several painters constantly in his service, as William, a monk of Westminster; William, the Florentine; and Mr. Walter, who was probably Walter de Colecester, so much celebrated by Matthew Paris for his admirable genius for painting as well as sculpture<sup>9</sup>. By these and others, many historical paintings were executed for him, in his several palaces of Winchester, Woodstock, Westminster, the Tower of London, Nottingham, Northampton, Windsor, Guildford, and Kenilworth. One chamber in the palace of Winchester was painted green, with stars of gold, and the whole history of the Old and New Testament<sup>10</sup>. In one room in the palace of Westminster, and in another in the Tower of London, the history of the expedition of Richard I. into the Holy Land was painted<sup>11</sup>. These pictures (to say nothing of many others) must have contained a prodigious number of figures; but with what degree of taste they were executed, we have no opportunity of judging. Though some succeeding princes were not so fond of paintings as Henry III. had been, the art still continued to

<sup>7</sup> See the learned and ingenious Mr. Walpole's *Anecdotes of Painting*, from p. 1. to p. 32.

<sup>8</sup> Id. p. 21.

<sup>9</sup> Id. p. 15, 16. M. Paris, *Vitæ Abbat.*

<sup>10</sup> *Anecdotes, &c.* vol. 1. p. 7.

<sup>11</sup> Id. *ibid.* p. 11.

flourish;

flourish; and we have reason to believe, that good painters wanted neither patrons nor employment. The coronation, wars, marriages, and funeral of Edward I. were painted on the walls of the great hall in the episcopal palace of Litchfield, A.D. 1312., by order of Bishop Langton<sup>12</sup>. Friar Simeon saw a still more curious picture in the palace of Westminster, A.D. 1322.; which he thus describes:—"Near this monastery (of Westminster) stands the most famous royal palace of England, in which is that celebrated chamber, on whose walls all the warlike histories of the whole bible are painted with inexpressible skill, and explained by a regular and complete series of texts, beautifully written in French, over each battle, to the no small admiration of the beholder, and display of royal magnificence<sup>13</sup>." So intent was Edward III. upon finishing the paintings in the chapel of his palace of Westminster, that he granted a precept, dated 18th March, A.D. 1350., to Hugh de St. Alban, master of his painters, commanding him to impress all the painters in the counties of Kent, Middlesex, Essex, Surry, and Suffex, to conduct them to Westminster, and keep them in his service as long as it should be necessary. Apprehending that all these would not be sufficient, he granted similar precepts, of the same date, to John Athelard and Benedict Nightingale, to impress all the painters in the counties of Lincoln,

<sup>12</sup> Warton's History of Poetry, vol. 2. p. 216.

<sup>13</sup> Id. *ibid*.

Northampton, Oxford, Warwick, Leicester, Cambridge, Huntingdon, Norfolk, and Suffolk, for the same purpose<sup>14</sup>. These paintings must have been numerous and extensive, whatever they were in other respects. The truth is, that the principal churches and chapels were not only furnished with portraits of the Virgin Mary, the apostles, and other saints, but the walls of some of them were almost covered with scriptural, moral, and allegorical paintings<sup>15</sup>. So great and general was the taste for paintings in this period, that not only the walls of churches and palaces, but even of the bed-chambers of private gentlemen, were ornamented with historical pictures. When Chaucer was roused from his famous poetical dream, he expresses his surprise, that all the gay objects which he had seen in his sleep were vanished, and he saw nothing.

Save on the wals old portraiture  
Of horsmen, hankes, and houndis,  
And hart dre all full of woundis.<sup>16</sup>

This, I am persuaded, is a real description of the poet's bed-chamber. In the same poem, Chaucer describes a church-window :

———— richly ypeint  
With lives of many divers feint.

<sup>14</sup> Rymeri Fœd. tom. 5. p. 670.

<sup>15</sup> Fox's Acts and Monuments, p. 370. col. 1. Warton's History of Poetry, p. 217. note (a).

<sup>16</sup> Chaucer's Works, by Urry, p. 587. col. 1.

And

And it is well known, that painting on glass was much practised, and brought to great perfection, in the present period<sup>17</sup>. The same may be said of another species of painting, which was called *illuminating*. This appears from many manuscripts beautifully illuminated, which are still preserved in the British Museum, and other libraries, from which several prints have been published<sup>18</sup>. Nay, so fashionable was the study of painting in this period, that it was esteemed as necessary a part of the education of a young gentleman as writing. It is said of the squire, or knight's son, in Chaucer,

— Songis he could make, and well endite,  
Just, and eke daunce, and well portraie and write.<sup>19</sup>

#### Poetry.

Though Britain abounded as much with poets in the thirteenth century as in any other period, and though they were as much admired by their contemporaries as those who flourished in better times, few or none of them are now famous: their names are generally forgotten, and their works neglected. This obscurity is perhaps as much owing to the antiquated nature of the languages in which they wrote, and the subjects of which they sung, as to the mediocrity of their poetical talents.

Metrical  
chronicles  
and ro-  
mances.

To say nothing of sonnets, and other short pieces of poetry, the larger poems composed in

<sup>17</sup> Chaucer's Works, by Urry, p. 584. col. 2.

<sup>18</sup> See Mr. Strutt, vol. 2, 3.

<sup>19</sup> Chaucer's Works, p. 2.

the

the thirteenth century were either metrical chronicles or metrical romances ; and the languages in which they were written were either Latin, French, or English ; which last is now become almost as unintelligible to a mere English reader as the two former.

Robert of Gloucester, who was a monk in the Robert of Gloucester. abbey of Gloucester, and flourished in the reigns of Henry III. and Edward I., composed a rhyming chronicle of England, from Brutus to Edward I. which hath been printed<sup>20</sup>. Our author, it must be confessed, was but an indifferent poet, and a worse historian, having adopted the absurdest fables of Geoffrey of Monmouth, and clothed them in tiresome inanimated rhymes. His language was the vulgar English of the age in which he wrote, is full of Saxonisms, and hardly intelligible to a modern reader. The following fabulous account of the transportation of Stonehinge from Africa to Ireland by giants, and from thence to Salisbury plain by Merlin, will justify the above strictures, and be a sufficient specimen of this work. King Arthur having consulted Merlin about erecting a monument in honour of the Britons who had been treacherously slain by the Saxons near Amesbury, the magician replied,

Sire kyng, quoth Merlin, tho' gif thou wolt here caste  
In the honour of men, a worke that ever schal ylaste,

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<sup>20</sup> See Robert of Gloucester's Chronicle, 2 vol. Oxon. 1724.

To the hul of Kilar fend into Yrlonde,  
 Aftur the noble ftones that ther habbet lenge yftonde,  
 That was the trick of giandes, for a quoynte work there is  
 Of ftones all wyth art ymad in the world fuch non ys.  
 Ne ther nys nothing that me fcholde myd ftrenge adoune caft.  
 Stode heo here, as heo doth there ever a wolde laft.  
 The kyng Somedeale to lyght, though he herde this tale,  
 How mygte, he fcyde, fuch ftones, fo grete and fo fale,  
 Be ybrogt of fo fer lond? And get mift of were,  
 Me wolde wene, that in this londe no ftion to wonke nere.  
 Syre king, quoth Merlyn, ne make noght an ydel fuch lyghyng.  
 For yt nys an ydel noght that ich tell this tythyng.  
 For in the farrefte ftude of Affric giands while fette  
 Thiike ftones for medycyne, and yn Yrlonde him fette,  
 While heo wonenden in Yrlonde to make here bathes there,  
 Ther undir for to bathi wen thic fyk were.  
 For heo wuld the ftones wafch, and ther enne bath ywis.  
 For ys no ftone ther among that of grete vertu nys.  
 The kyng and ys confeil radde the ftones for to fette,  
 And wyth gret power of batail, gif any mon him lette.  
 Uter the kyng's brother, that Ambrofe hett also,  
 In another name, ychofe was thereto,  
 And fifteene thoufant men this dede for to do;  
 And Merlyn for his qointife thider went also.

\* \* \* \* \*

Ye yonge men, quoth Merlyn, cutheth now your mygte,  
 How ye mow this ftones beft to the fchip dygte.  
 Hea ftode and bithogte him beft, and cables fette ynowe,  
 And ladders and leveres, and faft fchow and drowe.  
 Ac heo ne migte come for nothing to end myd here wille.  
 Merlyn fay this, and low, and bad him ftonde ftille.  
 He fette hys gynnes, as he wold, and ys quoyntife dude ftille.  
 And the folk myd tho ftones ho dude all here wille;  
 And lette him to fchippes brynge, and fo into this londe,  
 Ac ther was foth inchantery ther to ich underftonde.<sup>21</sup>

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<sup>21</sup> Robert of Gloucester, v. 1. p. 145—148.

Peter Langtoft, a canon in the monastery of Bridlington in Yorkshire, flourished at the same time with Robert of Gloucester, and wrote a chronicle of England from Cadwallader to Edward I. in French verse. This work was properly a continuation of an ancient metrical chronicle in the same language; the first part of which had been composed by one Eustace, A.D. 1155., and the second part by Robert Wace, canon of Bayeux, A.D. 1160.<sup>22</sup> All the three parts of this chronicle were translated into English verse by Robert Manning, who is better known by the name of Robert de Brunne, from the monastery of Brunne in Lincolnshire, in which he was a monk. He acquaints us with the motives which engaged him to make this translation in his prologue to the first and second parts, and of the contents of these two parts:

Lordyngs that be now here,  
 If ye wille listene and lere,  
 All the story of Inglande,  
 As Robert Manning wrytten it fand,  
 And on Englysch has it schewed,  
 Nor for the lered, but for the lewed.  
 And it is wisdom forto wyttten,  
 The state of the land, and hef it wrytten,  
 What manere of folk first it wan  
 And of what kynde it first began.  
 And gude it is for many things,  
 For to here the dedis of kynges,

<sup>22</sup> Warton's Hist. Poet. v. i. p. 62, 63.

Whilk were foles, and whilk were wyfe,  
 And whilk of them couth most quantyfe,  
 And whilk did wrong, and whilk ryght,  
 And whilk mayntined pes and fyght.  
 Of thare dedis fall be mi sawe,  
 In what tyme, and of what law,  
 I sholl you from gre to gre,  
 Sen the tyme of fir Noe ;  
 From Noe unto Æneas,  
 And what betwixt tham was,  
 And fro Æneas till Brutus tyme,  
 That kynde he tells in this ryme.  
 Fro Brutus to Cadweladres,  
 The las Briton that this lande teas.<sup>23</sup>

In his prologue to the third part, he gives the following short account of its original author :

Pers of Langtoft, a chanon  
 Schaven in the houe of Bridlyngton  
 On Frankis style this storie he wrote  
 Of Inglis kinges, &c.

Robert de Brunne's translation of Langtoft's part of this chronicle hath been printed; and therefore it is not necessary to swell this section with any specimen from that part.<sup>24</sup>

Catalogues  
of metrical  
romances.

Metrical romances, celebrating the wonderful achievements of valiant and gentle knights, were the most frequent and favourite productions of the poets of the thirteenth century. Incredible numbers of these romances were composed in

<sup>23</sup> Warton's Hist. Poet. vol. i. p. 64, 65.

<sup>24</sup> See Peter Langtoft's Chronicle, illustrated and improved by Robert of Brunne, 2 vols. Oxon. 1725.

France



France and England in that period ; and hearing them repeated or sung to the music of the harp, in the halls of palaces and castles, formed one of the chief amusements of persons of the highest rank. The following catalogues of a few of these romances will give the reader some idea of their numbers, their heroes, and their subjects :

Many Romayns men make new,  
Of good knyghtes and of trewe :  
Of their dedes men make romauns,  
Both in England and in Fraunce.  
Of Rowland and of Olyvere,  
And of everie Dosepere,  
Of Alysaundre and Charlemayne,  
Of Kyng Arthur and of Gawayne ;  
How they wer knyghtes good and coartys.  
Of Turpen and of Oger the Danois ;  
Of Troye men rede in rymes,  
Of Hector and of Achilles,  
What folk they slew in prae, &c.<sup>25</sup>

#### Another :

Herkene now how my tale gothe :  
Though I swere to you no othe,  
I wyll you rede romaynes none,  
Ne of Partenape, ne of Ypomedon,  
Ne of Alefaunder, ne of Charlemayne,  
Ne of Arthur, ne of Gawayne,  
Ne of Lancelot du Lake,  
Ne of Bevis, ne of Guy, of Sydrake,  
Ne of Ury, ne of Octavian,  
Ne of Hector, the strong man,

---

<sup>25</sup> Warton's *Hist. Poet.* vol. 1. p. 122.

Ne of Jafon, neither of Achilles,  
Ne of Eneas, neither Hercules, &c.<sup>26</sup>

Another :

— Men that romaunces rede,  
Of Bevyys, Gy, and Gawayne,  
Of kyng Richard, and Owayne,  
Of Triftram and Percyvale,  
Of Rowland ris, and Aglavaule,  
Of Archeroun, and of Octavian,  
Of Charles, and of Caffibedlan,  
Of Keveloke, Horne, and of Wade,  
In romaunces that of him bi made,  
That gestours dos of him gestes,  
At mangeres, and at great festes, &c.<sup>27</sup>

Another :

Men lykyn gestis for to here  
And romans ride in diverse manere  
Of Alexander the conquerour,  
Of Julius Cæsar the emperour,  
Of Greece and Troy the strong stryf,  
Ther many a man lost his lyf :  
Of Brut that baron bold of hand  
The first conqueror of England,  
Of king Arthur that was so ryche,  
Was none in his tyme so clyche,  
Of wonders that among his knyghts felle,  
And Auntyrs didyn, as men her telle,  
As Gawayne and other full Abylle,  
Which that kept the round tabyll,  
How king Charles and Rowland faught  
With Sarazins, nold thei be caught :  
Of Trytram and Yfoude the swete  
How thei with love first gan mete.

<sup>26</sup> Warton's Hist. Poet. vol. 1. p. 123.

<sup>27</sup> Id. Ibid. p. 119. note (y).

Of kyng John and of Iſinbras  
 Of Ydoyne and Amadas.  
 Stories of divers thynges  
 Of princes, prelates, and kynges,  
 Many ſongs of divers ryme  
 As Engliſh, French, and Latyne.<sup>28</sup>

The authors of theſe metrical romances paid very little regard to the true hiſtory of their reſpective heroes, but boldly contradicted the beſt known and beſt eſtabliſhed facts. Nothing, for example, was better known in the thirteenth century, when the romance of our King Richard I. was written, than that he was the ſon of Henry II. and his queen Eleanor of Provence. But this plain ſtory did not pleaſe the author of that romance, who opens his poem with the following fiction: Henry II. having, by the advice of his barons, reſolved to marry, ſends meſſengers into many different countries, with directions that —

Contra-  
dicted true  
hiſtory.

The fayreſt woman that was on lyve  
 They ſhould bring him to wyve.

Theſe meſſengers accidentally met at ſea with a moſt ſplendid ſhip,

Such ne ſaw they never none,  
 For it was ſo gay begone,  
 Every nayle with gold ygrave,  
 Of pure gold was his ſlave,

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<sup>28</sup> Warton's Hiſt. Poet. vol. 1. p. 123. See a catalogue of theſe ancient metrical romances in Dr. Percy's ingenious eſſay prefixed to the third volume of his Reliques of Ancient Engliſh Poetry.

Her maft was of ivory,  
Of famyte her fayle wytly,  
Her ropes all of white fylk,  
As whyte as ever was ony mylke.  
The noble fhip was without  
With clothes of gold fspread about,  
And her loft and her wyndlace  
All of gold depaynted was.

Being courteoufly invited, they went on board this fhip, where they found Carbarryne King of Antioch, with his daughter, a princefs of the moft exquisite beauty, attended by a numerous retinue of knights and ladies. The King received them with great politenefs, and entertained them with a fumptuous feaft.

Whan thei had done their mete  
Of adventures thei begyn to fpeke.  
The kyng them told in his reafon,  
How it cam him in a vyfyon,  
In his lond that he came fro  
Into Engeland for to go  
And his daughter that was hym dire,  
For to winde with him in fire,  
And in this manner we be dyght  
Unto your londe to winde ryght.

The meffengers then acquainted the King and the Princefs with the commiffion they had received from their mafter the King of England, and affured them,—

Further we will feek nought,  
To my lords fhe fhall be brought.

Accord.

Accordingly the King and Princess, with the ambassadors, arrived safe in England; the Princess is married to Henry II., and the lion-hearted Richard, the hero of the romance, is said to have been the fruit of that marriage.<sup>29</sup>

The metrical romances of this period contain descriptions of the marvellous adventures of their knightly heroes, and abound with the Gothic machinery of dragons, giants, elves, fairies, enchanters, &c. But for a more perfect account of these curious performances than can be admitted into general history, the reader is referred to the very instructive and entertaining works quoted below.<sup>30</sup>

Robert  
Langlande.

The same taste for composing, reading, and hearing metrical romances of chivalry prevailed in the fourteenth century, especially in the reign of that gallant magnificent monarch Edward III. About the middle of that century an attempt was made to revive, or at least to imitate the alliterative poetry of the Anglo-Saxons without rhyme, by Robert Langlande, a secular priest of Oxford, in his famous allegorical satire against persons of all professions, called *The Vision of Pierce Plowman*. This poem abounds with the boldest personifications, the keenest satire, the most expressive descriptions, and the most singular versification; of all which the four following

Alliterative  
poetry.

<sup>29</sup> Warton's Hist. Poet. p. 151, &c.

<sup>30</sup> History of English Poetry, by Mr. Warton, vol. 1. sect. 5.  
Dr. Percy's Reliques of Ancient English Poetry, vol. 3.

lines, representing the manner in which hunger treated a reduced spendthrift, must suffice as a specimen :

Hunger in haft tho' hint Wastour by the maw,  
And wrong him so by the wombe that both his eies watered.  
He buffeted the Briton about the chekes  
That he looked lyke a lanterne al his life after.<sup>31</sup>

About A.D. 1390. another poem in the same kind of versification was composed, called *Pierce the Plowman's Crede*. It is a severe satire on the four orders of meditant friars; and the following description of an overgrown Franciscan will give the reader some idea of the language and spirit of the poem :

I fond in a freture a frere on a benche,  
A great chori and a grym, growen as a tonne,  
With a face so fat, as a full bleddere  
Blowen brestful of breth, and as a bagge honged  
On bothen his chekes and his chyn, with a choll lollede  
So great a gos ey, growen all of grece,  
That all wagged his flesh as a quick mire.<sup>32</sup>

John Bar-  
bour.

John Barbour, Archdeacon of Aberdeen, was one of the best poets of Scotland, or even of Britain, in the fourteenth century. This appears from his metrical history of the life and acts of Robert Bruce, King of Scotland, which is a work of considerable merit, for the time in which it was composed. Though the Archdeacon styled his poem *a Romans*, he did not mean that it consisted of fabulous adventures; for he intended it

<sup>31</sup> Warton's Hist. Poet. vol. i. p. 282.

<sup>32</sup> Id. ibid. p. 305.

to be (as for the most part it is) a true history of the great actions of his hero :

Stories to read are delectable,  
 Suppose that they be nought but fable :  
 Then should stories that soothfast were,  
 If they are said in good manner,  
 Have double pleasure in hearing.  
 The first pleasure is the carping,  
 And the other the soothfastness,  
 That shews the thing right as it was.  
 And soothfast things that are likand,  
 To mens hearing are most pleasand :  
 Therefore I would fain set my will,  
 If my wit might suffice theretil,  
 To put in writ a soothfast story,  
 That it last ay forth in memory.<sup>33</sup>

The verification of this poem is, in general, correct and smooth, and the sentiments just and noble. Of this it would be easy to produce many proofs, of which the following high encomium on freedom or liberty is one :

Ah Freedom is a noble thing !  
 Freedom makes man to have liking ;  
 Freedom all solace to man gives ;  
 He lives at ease that freely lives.  
 A noble heart may have none ease,  
 Nor nought else that may it please,  
 If freedom fail.<sup>34</sup>

It is remarkable, that though Barbour was a Scotsman, his language is rather more intelligible to a modern English reader than that of any other

<sup>33</sup> Barbour, p. 1.

<sup>34</sup> Id. p. 2.

poet of the fourteenth century, his great contemporary Chaucer himself not excepted.

Chaucer  
and Gower.

At the same time flourished the two princes of ancient English poets, the great improvers of their art, and polishers of the language of their country, Jeoffrey Chaucer and John Gower, whose personal histories have been briefly related<sup>35</sup>. The shortest analysis that could be given of the numerous works of these venerable bards would swell this section far beyond its due proportion; it is therefore hoped that the reader will be satisfied with the following characters of their poetical talents, drawn by the hand of one of the most ingenious and intelligent critics of the present age, who appears to have studied their works with great attention.

Their characters as poets.

“ Enough hath been said to prove, that in elevation and elegance, in harmony and perfpicuity of versification, Chaucer surpasses his predecessors in an infinite proportion: that his genius was universal, and adapted to themes of unbounded variety; that his merit was not less in painting familiar manners with humour and propriety, than in moving the passions, and in representing the beautiful or the grand objects of nature with grace and sublimity. In a word, that he appeared with all the lustre and dignity of a true poet, in an age which compelled him to struggle with a barbarous language and a national want of taste, and when to write verses

<sup>35</sup> See p. 244—249.



“ at all was considered as a singular qualification.<sup>36</sup>

“ If Chaucer had not existed, the compositions of John Gower, the next poet in succession, would alone have been sufficient to rescue the reigns of Edward III. and Richard II. from the imputation of barbarism. His education was liberal and uncircumscribed, his course of reading extensive, and he tempered his severer studies with a knowledge of life. By a critical cultivation of his native language, he endeavoured to reform its irregularities, and to establish an English style.”<sup>37</sup>

The history of dramatic poetry affords few authentic materials in the present period, and will be introduced with greater advantage in the tenth volume of this work.

Music and poetry were more intimately united in the middle ages than they are at present. Many musicians were then poets, and sung verses composed by themselves, and by others of their profession to the music of their instruments. The secular musicians of those times were called *minstrels*, and formed a very numerous fraternity, possessed many privileges, and held in high estimation by persons of all ranks. They wore a particular dress, and certain ornaments which procured them immediate access to the greatest personages on the most solemn occasions. Of this

History of  
music.

<sup>36</sup> Mr. Warton's History of English Poetry, vol. i. p. 457.

<sup>37</sup> Id. vol. 2. p. 1.

the following remarkable and well-attested fact is a sufficient proof: "When Edward II. this year" (1316.) solemnized the feast of Pentecost, and "sat at table in royal state in the great hall of Westminster, attended by the peers of the realm, a certain woman, dressed in the habit of a minstrel, riding on a great horse, trapped in the minstrel fashion, entered the hall, and going round the several tables, acting the part of a minstrel, at length mounted the steps to the royal table, on which she deposited a letter. Having done this, she turned her horse, and saluting all the company, she departed." When the letter was read, it was found to contain some severe animadversions on the King's conduct, at which he was much offended. The door-keepers being called, and threatened for admitting such a woman, readily replied, "That it never was the custom of the King's palace to deny admission to minstrels, especially on such high solemnities and feast days."<sup>38</sup>

Musical  
instru-  
ments.

Though the harp still continued to be the chief and favourite instrument of the minstrels of this period, there is sufficient evidence that they knew and used a variety of other instruments; of which it may not be improper to name a few. The band of musicians in the household of Edward III. consisted of five trumpeters, one cyteler, five

<sup>38</sup> T. Walsing. Hist. Ang. an. 1316. p. 309. Trokelowe, edit. a T. Hearne, p. 39. See Dr. Percy's excellent essay on the Ancient English Minstrels, prefixed to his Reliques of Ancient English Poetry, vol. 1.

pipers,

pipers, one tabret, one mabrer, two clarions, one fidler, three wayghts or hauthois<sup>39</sup>. In a work translated into English in this period, the following musical instruments are mentioned and described; the organ, the harp, the sawtry, the lyre, the cymbal, the fistrum, the trumpet, the flute, the pipe and tabor, the nakyre, the drum, and several others<sup>40</sup>. Among the accomplishments of Chaucer's Parish Clerk, we are told,

In twenty manir couth he trip and daunce,  
After the scole of Oxenford tho  
And with his legges casten to and fro,  
And playin songes on a small ribible,  
Thereto he song sometime a loud quenible:  
And as well couth he play on a giterne.<sup>41</sup>

Chaucer's Miller was also a musician; but on a more vulgar instrument:

A bagge pipe well couth he blow and fowne,  
And therewithal brought he us out of towne.<sup>42</sup>

In one of Gower's poems are the following verses:

He taught hir, till she was certeyne,  
Of harpe, citole, and of riote,  
With many a tewne and many a note.<sup>43</sup>

Matthew Paris mentions musical instruments called *burdons*, which were used in the church

<sup>39</sup> Sir John Hawkins's History of Music, vol. 2. p. 107.

<sup>40</sup> Id. ibid. p. 281, &c.

<sup>41</sup> Chaucer, p. 26.

<sup>42</sup> Id. p. 5.

<sup>43</sup> Confessio Amantis, fol. 178.

of St. Alban's, and probably in other churches<sup>44</sup>. But it is unnecessary to make this catalogue more complete.

Musick  
much ad-  
mired.

To what degree of perfection music was brought by the secular minstrels of this period, we have no opportunity of judging<sup>45</sup>. But we have the fullest proof that it was exceedingly pleasing to those who heard it, and that it gave great delight to the greatest and best men of those times. Robert de Brunne hath preserved the following anecdote, to this purpose, of the learned and pious Bishop Grosteste or Greathead of Lincoln :

He lovede moche to heere the harpe,  
For man's wille it makyth sharpe.  
Next hys chamber, besyde his study,  
Hys harper's chamber was fast the by,  
Many tymes, by nightes and dayes,  
He hadd solace of notes and layes.<sup>46</sup>

It is not to be imagined that kings, princes, prelates, and barons, would have conspired to load those minstrels with honours and rewards, if they had not taken much pleasure in their tuneful strains.

Church  
music.

Sacred music was now cultivated with as much ardour by the clergy as secular music by the minstrels. The church had been long gradually departing from the primitive simplicity of the christian worship; and after the introduction of

<sup>44</sup> M. Paris Vita Abbatum, p. 91.

<sup>45</sup> See Sir John Hawkins, vol. 2. chap. 8.

<sup>46</sup> Warton Hist. Poet. vol. 1. p. 61

organs into churches, so many of the public offices were sung to the sound of those noble instruments, that the study of music became absolutely necessary to all who were to bear any part in the celebration of these offices. Music was accordingly taught and studied in all colleges, cathedrals, convents, and capital churches; and we are assured by a late writer who hath made the most laborious researches into the history of music, "that the clergy in the thirteenth century, were by much the most able proficient, as well in instrumental as vocal music".<sup>47</sup> The truth is, that in great churches some of the public offices were considered as musical exhibitions, and frequented for amusement rather than devotion. To the various diversions of hunting, hawking, feasting, dancing, which a king proposed to his daughter to divert her melancholy, he added :

Then shall ye go to your even song,  
 With tenours and trebles among,  
 Your quire nor organ songe shall want,  
 With country note and discaunt,  
 The other halfe on orgayns playing,  
 With yong chyldren ful fayn syngyng.<sup>48</sup>

Chaucer's Nun and Friar were both proficient in music ; — of the former it is said,

Full wele she song tho the service divine.

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<sup>47</sup> Sir John Hawkins, vol. 2. p. 43.

<sup>48</sup> Warton, Hist. Poet. vol. 1. p. 179.

Of the latter, that

—certainly he had a merry note,  
Wele couth he fing and playin on a rote.

Musical  
characters,  
or measur-  
ed song, in-  
vented.

Though Guido Aretini's invention of the musical scale already mentioned, was very valuable, it was imperfect, because it had no marks to denote the different lengths of sounds<sup>49</sup>. This imperfection was afterwards removed by the invention of several characters for representing the various lengths of musical sounds; and music delineated by these characters, was called *cantus mensurabilis*, or *measured song*. But when or by whom this great improvement of delineating measured music was invented is not agreed; some ascribing it to Franco, a scholastic of Liege, who flourished towards the end of the eleventh century; and others to John de Muris, an Englishman, who flourished in the former part of the fourteenth century<sup>50</sup>. This invention, whoever was the author of it, was much admired, many treatises were written to explain, improve, and recommend it, and it certainly contributed not a little to facilitate the communication and preservation of musical knowledge.<sup>51</sup>

<sup>49</sup> See vol. 6. p. 248.

<sup>50</sup> Sir John Hawkins, vol. 2. p. 15, &c.

<sup>51</sup> Id. *ibid.* p. 154.

THE  
HISTORY  
OF  
GREAT BRITAIN.

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BOOK IV.

CHAP. VI.

*History of Commerce, Coin, and Shipping, in  
Great Britain, from the death of King John,  
A.D. 1216., to the accession of Henry IV.  
A.D. 1399.*

COMMERCE hath contributed so much to the prosperity, power, and wealth of Britain, that it is well intitled to a distinct and conspicuous place in its history, in every period ; and as coin and shipping are the two chief instruments of commerce, they also merit a share of our attention.

The internal commerce of Britain, and particularly of England, was unquestionably an object of great importance in the present period ; but it

Commerce  
merits a  
place in  
history.

Internal  
commerce.

it doth not seem to have been managed to the best advantage. It is a sufficient proof of this, that the prices of the most valuable and necessary commodities were sometimes more than double in some places to what they were in others. We are informed, for example, by a contemporary author, that, A.D. 1258., a quarter of wheat cost twenty shillings at Northampton, when it was sold for eight shillings and sixpence at Dunstaple<sup>1</sup>. This could not have happened, if intelligence had been regular, and commercial intercourse safe and easy.

Loaded  
with several  
imposts.

Internal trade was loaded at this time, with a great number of petty taxes and impositions, as lastage, paiaage, passage, pontage, stallage, and several others, whose names are now become unintelligible<sup>2</sup>. These taxes, or some of them, were demanded by every town, and by every baron through whose boundaries traders conveyed their goods, and at every place where they expose them to sale.

Transacted  
in fairs.

The greatest part of the domestic trade of Britain was still transacted in fairs. Some of these fairs were of long duration, frequented by prodigious multitudes of people from different countries, and stored with commodities of all kinds. The fair of St. Giles's hill, near Winchester, continued sixteen days, during which time all trade was prohibited in Winchester, Southampton, and every

<sup>1</sup> Annal. Dunstap. an. 1258.

<sup>2</sup> Anderson's Hist. Commerce, vol. I. p. 110.



place within seven miles of the fair, which very much resembled a great city, laid out into many regular streets of tents, inhabited by foreign and domestic traders, who exposed their various commodities to sale<sup>3</sup>. To such fairs our kings, prelates, and great barons, sent their agents, and others went in person, to purchase jewels, plate, cloths, furniture, liquors, spices, horses, cattle, corn, and provisions of various kinds, and, in a word, every thing they needed, men and women not excepted. For we are assured, by a contemporary writer of undoubted credit, that men and women slaves were publicly sold in the fairs of England, like beasts, near the conclusion of the fourteenth century.<sup>4</sup>

The foreign trade of England, in the present period, was more considerable and extensive than is commonly imagined. This will appear from the following very brief review of the several countries with which the people of England had commercial intercourse, and of the several sovereigns and states with whom the kings of England had commercial treaties. For we may reasonably conclude, that a trade existed when it was regulated by treaties. Foreign trade.

Genoa, Venice, Pisa, Florence, and some other free cities of Italy, were at this time the chief seats of trade in Europe; and their merchants furnished their own and other countries with the With Italy.

<sup>3</sup> Warton's History of Poetry, vol. i. p. 279. note b.

<sup>4</sup> Bartholomeus de Proprietatibus Rerum, apud Sir John Hawkins's History of Music, vol. 2. p. 126.

silks, spices, and other precious commodities of the East. There is the fullest evidence, that all these cities now carried on a trade with England, and some of them with Scotland. In a letter from Edward II. dated July 18. 1316., to the state of Genoa, he expostulates with them for permitting some of their citizens to carry on a trade with the traitor Robert Bruce, and the people of Scotland; and in order to engage them to prohibit that trade, he puts them in mind that a very ancient and friendly intercourse had subsisted between their states and his ancestors, kings of England, and their subjects<sup>1</sup>. Several commercial treaties were concluded between Edward III. and the Genoese<sup>2</sup>. The trade between the Venetians and the English was very considerable, as appears from the following incident. A quarrel happened between the crews of five Venetian ships lying at Southampton, and the people of that town, in which several persons were killed on both sides. Edward II. dreading that this might deter the Venetians from continuing their trade with England, published a manifesto granting a full pardon to all who had been concerned in that unhappy quarrel, and promising the most perfect security and friendly treatment to all Venetian merchants and mariners who should come into England<sup>3</sup>. The commercial compacts of the kings of Eng-

<sup>1</sup> Rym. Feed. tom. 3. p. 565.

<sup>2</sup> Id. tom. 5. p. 569. 703.

<sup>3</sup> Id. tom. 3. p. 1011.

land with the cities of Florence and Pisa, are sufficient evidences of their mutual trade.<sup>8</sup>

The merchants of Majorca, Sicily, and some other islands in the Mediterranean, carried on a trade with England in this period. Edward II. who was a zealous promoter of the commerce of his subjects made a commercial compact with the ambassadors of Sancho King of Majorca, A.D. 1323.<sup>9</sup> Mediterranean island.

Several commercial treaties were concluded between the kings of England and Spain at this time; and, like many other treaties, were often violated by mutual captures of each other's ships; which produced mutual complaints and new treaties. In a truce for twenty years, concluded between Edward III. and the plenipotentiaries of the sea-ports of Castile and Biscay, A.D. 1351., the most perfect reciprocal freedom of trade is stipulated; after which the following remarkable article is added:—"Item, the fishers in the dominions of the King of Castile and Biscay may come and fish freely and safely in the harbours of England, and in all other places where they please, paying the King his duties and customs."<sup>10</sup>

A trade was carried on between England and Portugal in this period, to their mutual satisfaction and advantage, till it was interrupted by the Spaniards or Castilians; who carrying Portuguese

<sup>8</sup> Rym. Fœd. tom. 2. p. 953.; tom. 5. p. 734.

<sup>9</sup> Id. tom. 3. p. 1028.

<sup>10</sup> Id. tom. 5. p. 719.

colours, took and plundered several English ships; and the English, before they discovered the deceit, made reprisals upon the Portuguese. But as soon as the imposition was found out, the two nations returned to their former friendly intercourse; which was confirmed by a commercial treaty A. D. 1308.<sup>11</sup>

English  
provinces  
in France.

The commerce of the English with their own French provinces of Aquitaine and Gascony, was very considerable. Of this it is a sufficient proof, that two hundred merchant-ships from England were sometimes seen together in the harbour of Bourdeaux.<sup>12</sup>

France.

The trade between the English and the subjects of the crown of France, in this period, was not so great as might have been expected. This was owing to various causes. Several of the maritime provinces of France were then in the possession of other powers;—the French were not much addicted to commerce;—and the most violent national animosities, and very frequent wars, subsisted between the two nations. Their commercial intercourse was so inconsiderable, that it was never mentioned in any of their treaties. Even in the famous treaty of peace at Bretigny, A. D. 1360., commonly called *the great peace*, there is not so much as one word concerning trade<sup>13</sup>. There is, however, sufficient evidence that some trade was carried on between

<sup>11</sup> Rym. Fœd. tom. 3. p. 107.

<sup>12</sup> Barn's Hist. Ed. III.

<sup>13</sup> Rym. Fœd. tom. 6. p. 178—196.

the

the French and English in times of peace. Philip King of France complained in very strong terms, to Edward II. A.D. 1314., that the merchants of England had desisted from frequenting the fairs in his dominions with their wool and other goods, to the great loss of his subjects; and intreated him to persuade, and, if necessary, to compel them to frequent the fairs of France as formerly, promising them all possible security and encouragement.<sup>14</sup>

Edward II., at the request of John Duke of Brabant, Lorrain, and Luxemburg, granted permission to the subjects of that Duke to come with their ships and merchandises into England, promising them protection and several privileges.<sup>15</sup>

A commercial treaty was concluded between Edward II. and John Duke of Bretagne, A.D. 1317., in which each of the contracting parties promised protection and friendly treatment to the mercantile subjects of the other in his dominions.<sup>16</sup>

Certain disputes having arisen between the merchants of England and those of Holland, Zealand, and Friseland, William Earl of Holland, Zealand, and Hanneau, and Lord of Friseland, sent ambassadors into England, A.D. 1310., to settle these disputes: which was accomplished; and a balance of 1300*l.* sterling was found due to two companies of English merchants. To pay

<sup>14</sup> Rym. Fœd. tom. 3. p. 487.

<sup>15</sup> Id. tom. 3. p. 647.

<sup>16</sup> Id. tom. 3. p. 656.

this balance, the Earl of Holland agreed that certain additional duties should be laid on the ships and goods of his subjects in the ports of England."

**Flanders.**

As the great manufacturing towns of Flanders were the chief markets for English wool, the commercial intercourse between England and these towns was very great, and regulated by many treaties<sup>17</sup>. So necessary was this intercourse esteemed by both parties, that it was not interrupted even when the earls of Flanders were at war with the kings of England."

**Germany  
and the  
Hanse  
towns.**

The trade between Germany and England, in this period, was chiefly carried on by the famous confederacy of the Hanse towns. This confederacy was very ancient, and by degrees became the greatest maritime power, as well as the greatest trading company, in Europe. Before the end of this period the Hanseatic confederacy consisted of sixty-four cities and great towns, chiefly situated on the shores of the Baltic, and the banks of the Rhine, and of other navigable rivers of Germany. The trade which these Hanse towns carried on with England was very great, and was chiefly managed by a company settled in London, and invested with various privileges, called—*the German merchants of the steel-yard*.<sup>18</sup>

<sup>17</sup> Rym. Feed. tom. 3. p. 650.

<sup>18</sup> Id. tom. 2. p. 32. 536. 740. tom. 3. p. 647.

<sup>19</sup> Id. tom. 5. p. 38.

<sup>20</sup> Anderson Hist. Com. vol. 1. p. 31. 87. 102, 109. 122, 123, 124. 198, 199, &c.

The knights of the Teutonic order, or, as Prussia. they called themselves, the Dutch knights of St. Mary's hospital at Jerusalem, having made themselves masters of Prussia, Conradus de Zolner, grand master of that order, concluded a commercial treaty with Richard II. A.D. 1388., in which protection and friendly treatment were stipulated to the English merchants in Prussia, and to the Prussian merchants in England.\*

Before the conclusion of this period Sweden Sweden. began to make some figure as a commercial state; and the great Queen Margaret published, A.D. 1396., some very wise regulations for the encouragement of trade, in which she promised protection to all foreign merchants, particularly to the English, from whose king, Richard II., she had borrowed three large ships of war.\*\*

The Danes, who had long been the scourge Denmark. and terror of Europe by their piratical expeditions, had now lost much of their ferocity, as well as of their power, and traded peaceably with other nations, and particularly with the English. This appears by a letter from Eric King of Denmark to Edward I. A.D. 1304., promising protection and friendly treatment to all English merchants in his dominions.\*\*

The most ancient commercial treaty between Norway. a king of England and a foreign prince, with

\* Hakluyt's Voyages, vol. 1. p. 159.

\*\* Merckii Historia Danica. lib. 5. Rym. Fæd. tom. 7. p. 744.

\*\* Id. tom. 2. p. 949.

which we are acquainted, is that which was concluded between Henry III. in his minority, A.D. 1217., and Haquin King of Norway. In this treaty, which is plain and short, agreeable to the manners of the times, these princes promise protection and favour to each other's mercantile subjects in their dominions<sup>24</sup>. The commercial intercourse between England and Norway was secured and regulated by a more prolix and particular treaty A.D. 1269.<sup>25</sup>

Iceland.

The people of Blackney in Lincolnshire carried on a considerable trade with Iceland in this period, and on that account they obtained a charter from Edward III. exempting their sailors and ships from being impressed into the King's service.<sup>26</sup>

Ireland.

Though the trade of Ireland appears to have been regulated by English laws in the thirteenth century, these laws did not confine it within narrow limits. By the statute of Ireland, A.D. 1288., the king's officers are prohibited from seizing foreign ships, or molesting foreign merchants, in the ports of Ireland: and the Irish are permitted to export their corn, provisions, and other commodities, to any country not at enmity or war with the King of England<sup>27</sup>. The freedom of trade to and from Ireland was still further secured by another law A.D. 1360.<sup>28</sup>

<sup>24</sup> Rym. Fœd. tom. i. p. 223.

<sup>25</sup> Id. tom. i. p. 838.

<sup>26</sup> Hakluyt, vol. i. p. 222.

<sup>27</sup> Statutes at Large, vol. i. p. 120.

<sup>28</sup> Id. ibid. p. 304.

That



That violent national animosity with which the Scotland. minds of the two British nations began to be inflamed against each other, soon after the unfortunate death of Alexander III. of Scotland, put an end to the friendly intercourse which had subsisted between them in the first part of this period. From that time these two nations hardly exchanged any thing but wounds and injuries for one hundred years. During this hostile period, the three Edwards, successively kings of England, not only prohibited their own subjects from trading with the Scots, but laboured with the greatest earnestness to prevent other nations, and particularly the Flemings, from having any commerce with that people. This they could not accomplish: for the earls of Flanders constantly replied to all the solicitations of these powerful princes,—“ That they did not encourage the Scots in their wars, but that they “ could not exclude them from their ports, “ without doing a great injury to their own subjects, who depended very much upon trade.” This animosity between the two British nations proved as permanent as it was violent; and no less than a whole century elapsed before any regular commercial intercourse between them was renewed. This was at length restored by the following article, in a truce concluded between the wardens of the marches of both kingdoms, A. D. 1386.:—“ Item, it is acordit, that spe-

<sup>29</sup> Statutes at Large, vol. 2. p. 963. vol. 3. p. 770, &c.

“ cial affluence shal be on the see, fra the water  
 “ of Spie to the water of Tamyse, for all mar-  
 “ chands of bath the roialms, and here godes.”<sup>30</sup>

Imprudent  
 commer-  
 cial laws.

The many laws that were made in England, in our present period, for the regulation and encouragement of trade, afford a further proof of its importance. Some of these laws were wise and useful, while others of them were imprudent and hurtful. Of the last sort was the law of Edward II., A.D. 1314., fixing a certain price upon provisions of all kinds, which produced a famine, and was soon repealed<sup>31</sup>. Of the same kind was the law of Edward III., A.D. 1363., commanding that no English merchant should deal in any more than one commodity, either by himself or by a factor in any manner; and requiring every merchant to fix upon the commodity in which he resolved to trade, before the term of Candlemas<sup>32</sup>. This absurd law was also soon repealed. It may be questioned whether the remarkable laws and constitutions of the staple, which required all English traders to bring the chief commodities of the kingdom, viz. wool, wool-fells, leather, lead, and tin, to certain towns, to be there sold to merchant-strangers, were prudent or useful; but there can be no doubt, that the law which made it felony for any Englishman, Welshman, or Irishman, to export any of those commodities, was

<sup>30</sup> Rymer. Fœd. tom. 7. p. 387.

<sup>31</sup> T. Walsing. Hist. Ang. p. 107.

<sup>32</sup> Statutes, 37th Ed. III. p. 314.

most imprudent and pernicious<sup>33</sup>. Of the same pernicious tendency was that law of Edward III., made A. D. 1368., prohibiting English merchants to import wine from Gascony, or to buy such wine till it was landed in England by a merchant-stranger<sup>34</sup>. Nothing could be more unjust and cruel, as well as impolitic, than the famous law or custom which long prevailed in England, of making every foreign merchant responsible for the debts, and even punishable for the crimes of any of his countrymen who had become insolvent, or had escaped from justice. This most unreasonable law was abrogated by the seventeenth chapter of the statute of the staple, A. D. 1353.<sup>35</sup> Several other laws were made in this period, which discover the anxiety of the kings and parliaments of England about commerce, and at the same time betray their ignorance of its real interests.

But some commercial laws were also made of a more salutary tendency. Such were the several laws for the uniformity of weights and measures<sup>36</sup>. But unhappily these laws were not so well contrived and executed as to prove effectual. The navigation acts made in the reign of Richard II., commanding English merchants to freight none but English ships, were evidently wise, and probably contributed to the increase both of ships

Wise commercial laws.

<sup>33</sup> Statutes at Large, 24th Ed. III. ch. 3.

<sup>34</sup> Id. 42d Ed. III. ch. 8.

<sup>35</sup> Id. 27th Ed. III. ch. 17.

<sup>36</sup> Id. p. 187. Henry III. 14th Ed. III. ch. 12. 27th Ed. III. ch. 10. 34th Ed. III. ch. 6. 13th Richard II. ch. 9.

and

and sailors in England in succeeding periods". But it seems to have been the chief object of the English legislature in this period, to invite foreign merchants to import the commodities of their respective countries, and export those of England. With this view, many statutes were made, promising protection and friendly treatment, together with various privileges and immunities, to merchants of all countries, upon condition that they paid their debts and the king's customs punctually.<sup>37</sup>

Many foreign merchants settled in England.

These laws for the encouragement of foreign merchants were not ineffectual. Great numbers of foreign traders, then called *merchant-strangers*, were settled in London and other great towns of England, and formed into companies, some of which were a kind of corporations. As these companies of merchant-strangers almost wholly engrossed the foreign trade, and had a considerable share of the internal commerce of England, a few of the chief of them may be mentioned.

Merchants of the steel-yard.

The German merchants of the steel-yard in London formed the most ancient, and for several centuries, the most flourishing of these foreign companies. This company had been settled in England even before the conquest; but it became much more powerful and opulent in the

<sup>37</sup> Statutes at Large, 5th Richard II. ch. 3. 14th Rich. II. ch. 6.

<sup>38</sup> Id. 9th Henry III. ch. 30. 2d Edward I. 13th Ed. I. ch. 1. 14th Ed. III. ch. 2. 25th Ed. III. ch. 2. 2d Rich. II. ch. 7. 5th Rich. II. ch. 1.

course

course of this period, than it had been before<sup>39</sup>. This was owing to its connection with the famous confederacy of the Hanse towns, and to the additional privileges conferred upon it by all the English monarchs of those times.<sup>40</sup>

The company of the merchants of the staple was formed about the beginning of this period; and in the course of it became very considerable for the number of its members and importance of its transactions. The views with which this company was established, and the privileges with which it was invested, are worthy of our attention, as they discover the ideas that were then entertained of trade. It was established to answer these two ends: 1st, To purchase and collect all that could be spared of the chief commodities of the kingdom; which were these five, wool, wool-fells, leather, lead, and tin; and to convey them to certain towns, which were called *staple-towns*, that the king's customs might be collected with ease, and that foreign merchants might know where to find these commodities in sufficient quantities: 2dly, To export these staple wares to foreign countries, and to import returns for them in goods, coin, or bullion. Natives as well as foreigners might be, and were employed in executing the first of these ends; but no natives of England, Ireland, or Wales, could be concerned, directly or indi-

Merchants  
of the  
staple.

<sup>39</sup> See vol. 4. p. 231.

<sup>40</sup> Rym. Fœd. tom. 2. p. 161. tom. 3. p. 168.

rectly,

rectly, in exporting any of these staple commodities<sup>42</sup>. The staple-towns for England, Wales, and Ireland, appointed by the statute were—Newcastle upon Tyne; York, Lincoln, Norwich, Westminster, Canterbury, Chichester, Winchester, Exeter, Bristol, Caermarthen, Dublin, Waterford, Cork, and Drogheda<sup>43</sup>. Merchants of the staple were exempted from the jurisdiction of the ordinary magistrates, and subjected only to the authority of a mayor and constables of the staple, chosen annually in each of these towns, who were to judge in all disputes by the merchant-law, and not by the common law<sup>44</sup>. A certain number of correctors were chosen in each staple-town, whose office it was to register all bargains, for which they received a small fee from the parties<sup>45</sup>. There were also six mediators, two Germans, two Lombards, and two Englishmen in every staple-town, who were to determine all disputes referred to them, in the presence of the mayor and constables<sup>46</sup>. Many privileges and immunities were conferred by law on this famous company, which formed a kind of distinct commonwealth; and it was made felony to attempt to deprive it of any of these privileges.<sup>46</sup>

Brother-  
hood of  
St. Thomas.

Another mercantile society, called *The Brotherhood of St. Thomas Becket*, flourished in the former part of this period, and was afterwards incor-

<sup>42</sup> Statutes, 27th Ed. III.

<sup>43</sup> Id. ch. 6. 8. 21.

<sup>44</sup> Id. ch. 24.

<sup>45</sup> Id. *ibid*.

<sup>46</sup> Id. ch. 22.

<sup>46</sup> Id. ch. 23.

porated

porated with the company of merchant adventurers, which made a great figure for several centuries.<sup>47</sup>

It will be sufficient to name some of the companies of Italian merchants that were settled in England in this period, for managing the trade of the several estates and cities to which they belonged. Of these the Lombards were the most numerous and opulent; but, becoming odious for their usurious practices, they were sometimes severely treated<sup>48</sup>. The Caurfini of Rome have been already mentioned<sup>49</sup>. They seem to have been as great extortioners as the Lombards; for (if we may believe Matthew Paris, a contemporary historian) they sometimes exacted no less than sixty per cent. interest per annum<sup>50</sup>. This, together with their ostentatious display of their riches, drew upon them a very severe prosecution, A. D. 1251.<sup>51</sup> We find the society of the Peruchi, and the society of the Scali of Florence, residing in London in the reign of Edward II.<sup>52</sup> The companies of the Friscobaldi of Florence, and of the Ballard and Reifardi of Lucca, were also settled in England in the same reign<sup>53</sup>. Edward III. acknowledges himself indebted to the company of the Bardi of Florence twelve thousand marks; and grants them a present of two

Companies  
of Italian  
merchants.

<sup>47</sup> Anderson's History of Commerce, vol. i. p. 189.

<sup>48</sup> *Ibid.* p. 167. 181.

<sup>49</sup> See vol. 6. p. 282.

<sup>50</sup> M. Paris, p. 286.

<sup>51</sup> *Ibid.* p. 550.

<sup>52</sup> *Madex firma Burgi*, p. 273.

<sup>53</sup> *Ibid.* p. 96, 97. Rym. Fœd. tom. 2. p. 705.

thousand pounds for their good services<sup>54</sup>. These examples are sufficient to prove, that several companies of Italian merchants were settled in England in this period, for managing the trade of the states, cities, and companies, with which they were connected.

**Jews.**

The Jews may be reckoned among the strangers settled in England on account of commerce. In the former part of this period they were numerous; and many of them had acquired great sums of money by trade and usury. But their situation was unhappy, being frequently plundered by the sovereign, and universally hated by the people. At length the clamour against them for their extortions, for their debasing and diminishing the coin, and for other crimes, became so vehement, that they were banished out of England, A. D. 1290.<sup>55</sup>

**Foreign  
merchants  
hated by  
the people,  
but encour-  
aged by  
our kings  
and barons.**

It was not agreeable to the English to see so great a share of the commerce of their country in the hands of strangers: on the contrary, these strangers were hated and maltreated by them, and their expulsion most earnestly desired. But they found powerful protectors in our kings, prelates, and barons (to whom they were in many respects useful), who made many laws for their security and encouragement<sup>56</sup>. In particular, when the city of London presented a petition to Edward I.

<sup>54</sup> Rym. Ford. tom. 4. p. 387.

<sup>55</sup> Anderson, vol. 1. p. 133.

<sup>56</sup> Statutes, 9th Henry III. ch. 30. 2d Ed. I. 13th Ed. I. ch. 1. 14th Ed. III. ch. 2. 25th Ed. III. ch. 2. 2d Rich. II. ch. 7. 5th Rich. II. ch. 1.



A.D. 1289., for the expulsion of all merchant-strangers, that great prince replied, — “ I am of opinion, that merchant-strangers are useful and beneficial to the great men of the kingdom; and therefore I will not expel them<sup>57</sup>. ”

One of our ancient historians of the best credit expresses his abhorrence of the jealousy of the Londoners, and their cruelty to foreign merchants; of which he gives the following example. A very rich merchant of Genoa presented a petition to Richard II. A.D. 1379., for permission to deposit his goods in the castle of Southampton, promising to bring so great a share of the trade of the East into England, that the price of a pound of pepper would be reduced to four pence, and the prices of all other spices in the same proportion. But the Londoners (says the historian), enemies to the prosperity of their country, hired assassins, who murdered the merchant in the street. “ After this (exclaims he) what stranger will trust his person among a people so faithless and so cruel? Who will not dread our treachery, and abhor our name?”<sup>58</sup>

Foreign trade was frequently interrupted in this period by the ferocious piratical disposition of the mariners of all nations, who were too apt, when an opportunity offered, to plunder friends and foes without distinction. We have a lively picture of this, and of its fatal consequences, in

Piracy interrupted trade.

<sup>57</sup> Anderson, vol. i. p. 131.

<sup>58</sup> Tho. Walsing. Hist. Ang. p. 227.

the following account of the conduct of the seamen of the Cinque-ports, A.D. 1264., by a contemporary historian. "The mariners of the Cinque-ports, having provided a powerful fleet, scoured the seas, and greatly interrupted trade; seizing every ship they met, and barbarously butchering their crews, whether they were foreigners or their own countrymen: they threw their bodies into the sea, and applied the ships and cargoes to their own use. More cruel than Scylla or Charybdis, they murdered all who brought necessary commodities into their country without distinction. By this means all kinds of goods, in which England had formerly abounded, became so scarce and dear, that a quantity of wine or wax which had been usually sold for forty shillings, now cost eight or ten marks, or even more; a pound of pepper which used to be sold for sixpence, was now sold for three shillings; in a word, salt, iron, steel, cloths, and goods of all kinds, became so scarce, that the people suffered much want, and the merchants were reduced to beggary." But these destructive violences were never carried to so high a pitch, but when the affairs of the public were in great confusion, as they were A.D. 1264.

The chief seats nearly the same as in the former period.

The chief seats of trade in England were the same in this as in the preceding period, with a few additions. The burghesses of Newcastle upon

<sup>99</sup> Chronicon Tho. Wykes, ad ann. 1264.

Tyne, having obtained liberty of digging coals in the castle-muir from Henry III. A.D. 1234., and afterwards the property of that muir from Edward III. A.D. 1357., they soon after began to export coals to London, and other places, in considerable quantities<sup>50</sup>. Encouraged and enriched by that commerce, the people of Newcastle engaged in foreign trade; and we find a ship of theirs of the burden of two hundred tons, and valued at 400*l.* equal in weight of silver to 1000*l.* of our money, exclusive of her cargo, was seized in the Baltic, on her voyage to Prussia, A.D. 1394.<sup>51</sup> Though Kingston upon Hull was not founded till A.D. 1296., it increased so fast, that in less than one century it had become a large, rich, and populous town, engaged in foreign trade. In the treaty between Henry IV. and the Hanse-towns, A.D. 1400., it appears, that the mariners of those towns had plundered four ships belonging to Hull, near the coast of Norway, some years before that time.<sup>52</sup>

The exports and imports of England consisted nearly of the same commodities in this as in the preceding period; and therefore need not be here enumerated<sup>53</sup>. I have not met with any evidence, that slaves formed an article of exportation from England in the present period. In the annals of the priory of Dunstable, we find the

Exports  
and im-  
ports near-  
ly the same  
as in the  
former  
period.

<sup>50</sup> Anderson's *Hist. Com.* vol. 1. p. 112. 132. 207.

<sup>51</sup> Hakluyt's *Voyages*, vol. 1. p. 166.

<sup>52</sup> *Id. ibid.* p. 167.

<sup>53</sup> See vol. 6. p. 267—278.

following short entry, A.D. 1283.: — “ This year, in the month of July, we sold our slave William Pyke, and received one mark from the buyer.” But for what purpose this unhappy man was purchased, we are not informed. If one mark was the whole of his price, men must have been cheaper than horses, or Pyke must have been a worthless fellow.

Balance of  
trade in fa-  
vour of  
England.

That the balance of trade was very greatly in favour of England, in this period, is evident to a demonstration. If this had not been the case, it would have been impossible for a country, without gold or silver mines of any great value, to have supplied those prodigious incessant drains of treasure to the court of Rome, and to foreign ecclesiastics, who possessed many of the best benefices of the kingdom ; and those still greater drains occasioned by the frequent and ruinous expeditions of her princes and nobles to the continent ; and by various other means. Henry III. (for example) sent out of the kingdom in a few years, in presents to his foreign favourites, and in prosecuting the vain project of making his second son Prince Edmund king of Sicily, the enormous sum of 950,000 marks, containing as much silver as 1,900,000*l.*, and of as much value as 5,000,000*l.* of our money. This account the historian, who was secretary to the King, received from a clergyman of credit, who examined all the rolls, and carefully calculated the sums.

“ *Annal. de Dunstap. ann. 1283.*

About two years after (A.D. 1257.) that King's brother, Richard Earl of Cornwall, carried out of England at once 700,000*l.* containing rather more silver than 2,000,000*l.* of our money; all which, together with the annual income of his great estate, for several years, he spent in Germany to no effect, in attempting to support his election to be king of the Romans<sup>65</sup>. The annual revenues of the Italian clergy in England, the greatest part of which was carried out of the kingdom, were found A.D. 1245., to amount to 60,000 marks, or 120,000*l.* of our money<sup>66</sup>. From these few examples we may be convinced that the sums carried out of England in the course of this period were immensely great; and yet the balance of trade in favour of England supplied these sums, and also gradually enriched the kingdom.

The greatness of this balance seems to have been owing to the following circumstance. The imports into England, in this period, consisted almost wholly of silks, fine cloths, wines, spices, and a few other articles of luxury, which were used only by the royal family, and a small number of rich prelates and great barons; and therefore, though the prices of these commodities were high, the quantity used being trifling, the whole amount was inconsiderable. It appears upon record, that the value of all the goods imported into England A.D. 1354., was no more than

Causes of  
this.

<sup>65</sup> M. Paris Hist. Angl. p. 639.

<sup>66</sup> Id. p. 451.

38,970l. 3s. 6d.<sup>67</sup> The nominal pound at that time containing only 46s. 6d. of our money, this sum contained only as much silver as is now coined into 90,355l. 5s. If we suppose that any given quantity of silver would then have purchased five times as much of any commodity as the same quantity will do at present, it will follow, that as many goods of all kinds as were imported into England A.D. 1354, might now be imported for 451,776l. 5s.—a very contemptible sum indeed when compared with the value of our present imports. But, on the other hand, the exports from England consisted of commodities of general use, as wool, wool-fells, leather, lead, tin, corn, butter, cheese, coarse cloths, &c. which were exported in great quantities to several countries, where they found a ready market. Accordingly, it appears from the same record, that in the same year 1354. the value of the four articles of wool, wool-fells, leather, and coarse cloths, exported, amounted to no less than 294,184l. containing as much silver as 683,977l. and of as great efficacy as 3,419,385l. of our money. This alone, set in opposition to the whole imports of that year, yielded a balance in favour of England of 255,214l. containing as much silver as 593,370l. and of as great efficacy as 2,966,850l. of our money at present<sup>68</sup>: a very great balance, though we have no account of the lead, tin, corn, and other articles exported.

<sup>67</sup> Anderson Hist. Com. vol. 1. A.D. 1354.

<sup>68</sup> Id. *ibid.*

From the above state of the trade of England in this period it plainly appears, that though it was trifling in comparison to what it is at present; yet, in proportion to its extent, it was unspeakably more advantageous to the nation. From hence also it is evident, that the most effectual means which any people can employ for turning the balance of trade in their own favour are these two — to be sparing in the use of imported luxuries, — and to be diligent in preparing articles of general utility for exportation.

Most effectual means of turning the balance of trade in our favour.

That most excellent device for the payment of accounts between merchants residing in different countries, by bills of exchange, without the actual transmission of cash, was not unknown in England in the present period. We find Peter Egi-blanke Bishop of Hereford, employing this contrivance, A.D. 1255, to a very pernicious purpose. Henry III. had contracted an immense debt to the Pope in prosecuting the absurd project of making his son Edmund King of Sicily; and His Holiness, who was much indebted to certain Italian merchants, who had advanced money for carrying on the war, had become importunate for payment. In this extremity the Bishop of Hereford suggested to Henry the following curious scheme for the payment of all his debts without money. — That the Italian merchants to whom the Pope was indebted should draw bills in favour of their creditors in England, on all the rich bishops, abbots, and priors, in that kingdom, for certain large sums of money, alleged to have been lent by

Bills of exchange.

them to these prelates for the use of their respective churches: that these bills should all be sent to the Pope's legate in England, who should compel the prelates to accept and pay them by threats of ecclesiastical censures. This iniquitous scheme was adopted by the King; and the bishop was sent to Rome to procure the Pope's consent and concurrence. These were easily procured: the bills, to the amount of 150,540 marks, were drawn and presented; and the prelates, after many remonstrances, were compelled to pay them, by threats of excommunication<sup>69</sup>. The answer of the Pope to the bishop, when he had explained his scheme to him, affords a curious specimen of the morality of the infallible head of the church in the thirteenth century: "Go (said His Holiness), "my dearest friend and brother, and do what "seemeth best to your own industry, which I very "much commend<sup>70</sup>." As mercantile transactions increased, the use of bills of exchange became more common; and a law was made A.D. 1381., encouraging, or rather commanding, the use of them, in making remittances to foreign countries."

Money.

Money or coins are of so much use in commerce, that the state of them must be briefly delineated in every period of this work. As none of our writers who flourished in the thirteenth or fourteenth century make mention of living money, we may conclude, that coins made of the precious

<sup>69</sup> M. Paris, Hist. Ang. p. 612.

<sup>70</sup> Id. ibid.

<sup>71</sup> Statutes, A. D. 1381. ch. 2.

metals



metals were now become the only representatives of all commodities. It is only money of that kind therefore with which we are here concerned.

The coins of both the British kingdoms continued in the same state in which they had been in the former period, during the whole of the thirteenth, and some part of the fourteenth century<sup>72</sup>. Edward III. made a very material alteration in the state of the coin of England A.D. 1346., by commanding 22s. 6d. to be coined out of the tower pound of silver. By this regulation the weight of the silver penny, which was still the largest real coin, was reduced from  $22\frac{1}{2}$  to 20 Troy grains, and the pound to 51s. 8d. of our money<sup>73</sup>. The same prince made a still greater change A.D. 1351., by coining groats and half-groats, the groats weighing 72 Troy grains, and 60 of these groats making a nominal pound sterling, containing only as much silver as 46s. 6d. of our money<sup>74</sup>. This second diminution of the weight of the coin is said to have been made by the persuasion of William Edington Bishop of Winchester, and treasurer of England.<sup>75</sup>

Changes in  
the coin.

The coinage of gold was one of the greatest alterations made by Edward III. in the state of the coin. By the advice of his council, A.D. 1344., January 20., he commanded florins of gold to be coined, and to pass for 6s., half florins for 3s., and

Gold coin.

<sup>72</sup> See vol. 6. chap. 6. p. 294—298.

<sup>73</sup> Martin Folkes on English Silver Coins, p. 11.

<sup>74</sup> Rym. Fœd. tom. 5. p. 708.

<sup>75</sup> Stow Annal. p. 251. T. Walsing. p. 169.

quarter

quarter florins for 1s. 6d. of the money of that time<sup>76</sup>. But Edward, aiming at too much profit by this coinage, had set too high a value upon these pieces, which prevented their currency. To remedy this, he coined that same year gold nobles, half nobles, and farthing nobles, the noble to pass for 6s. 8d., the half noble 3s. 4d., and the farthing noble for 1s. 8d., which he made known by a proclamation, dated 9th July A.D. 1344., commanding those coins to be taken in payment at these rates<sup>77</sup>. By another proclamation, dated August 20., the same year, he commanded all the gold of the first coinage to be brought to the mint, and sold for its real value<sup>78</sup>. In the first coinage a pound of gold was rated at 15 pounds of silver, in the second only at 13l. 3s. 4d.<sup>79</sup> This coin was called a noble, either on account of its value and beauty, being the largest and fairest then known, or on account of the honourable occasion on which it was struck, the great naval victory over the French, obtained by Edward in person, A.D. 1340. : for on that coin Edward appears completely armed, in a ship, with a naked sword in his right hand. These nobles, half and quarter nobles, continued to be the chief gold coins of England to the end of this period.

Method of  
coining.

The method of coining money in this period was very simple. The metal was cast from the

<sup>76</sup> Rym. Fœd. tom. 5. p. 403.

<sup>77</sup> Id. ibid. p. 416.

<sup>78</sup> Id. ibid. p. 424.

<sup>79</sup> Stephen Martin Leake's History of English Money.

melting-

melting-pot into sheets or long thin bars; these were cut with shears into square pieces of exact weights, according to the species of coin intended: these pieces were formed into a round shape by the hammer, after which those of silver were blanchéd or made white by boiling; and, last of all, they were stamped or impressed by a hammer, which finished the operation.<sup>10</sup>

It was not so easy a matter, in the times we are now considering, to exchange gold and silver coins for each other as it is at present; and therefore Edward III. and several of his successors, took this office into their own hands, to prevent private extortion, as well as for their own advantage: and they performed it, by appointing certain persons, furnished with a competent quantity of gold and silver coins, in London and other towns, to be the only exchangers of money, at the following rate: When these royal exchangers gave silver coins for a parcel of gold nobles, for example, they gave one silver penny less for each noble than its current value; and when they gave gold nobles for silver coins, they took one penny more, or 6s. 9d. for each noble; by which in every transaction they made a profit of  $1\frac{1}{2}$  per cent.<sup>11</sup> These royal exchangers had also the exclusive privilege of giving the current coins of the kingdom in exchange for foreign coins, to accommodate merchant-strangers, and of purchas-

Royal ex-  
change.

<sup>10</sup> Stephen Martin Leake's History of English Money, p. 76.

<sup>11</sup> Rym. Fœd. tom. 5. p. 416.

ing light money for the use of the mint. As several laws were made against exporting English coins<sup>82</sup>, the King's exchangers at the several sea-ports furnished merchants and others who were going beyond seas, with the coins of the countries to which they were going, in exchange for English money, according to a table which hung up in their offices for public inspection<sup>83</sup>. By these various operations they made considerable profits, of which the King had a certain share. The house in which the royal exchanger of any town kept his office was called *the Exchange*; from which, it is probable, the public structures where merchants meet for transacting business derive their name.

Clipping,  
&c. pre-  
vailed.

The crimes of clipping and counterfeiting the current coin of England, and of importing base money of various denominations, as pollards, crokards, mitres, leonines, rosaries, staldings, steepings, and eagles, prevailed very much in the present period, though several severe laws were made against them<sup>84</sup>. The Jews are said to have been remarkably guilty of these pernicious practices; and their guilt must have been very great indeed, if it was equal to their punishment: for no fewer than 280 of them were put to death for these crimes, in one year (1279.), in London alone, besides many others in other parts of Eng-

<sup>82</sup> Statutes, 9th Ed. III. chap. I. 9, 10, 11.

<sup>83</sup> Rym. Fœd. tom. 4. p. 500. Statutes, 9th Ed. III. chap. 7.

<sup>84</sup> Statutes, 20th Ed. I. ann. 1292.; 27th Ed. I. ann. 1299.; 9th Ed. III. chap. 2.

land.

land<sup>85</sup>. At the same time all the goldsmiths in the kingdom were seized and thrown into prison, on suspicion of being guilty of the same crime.<sup>86</sup>

Though the difference in weight between a real pound of silver and a nominal pound in coin seems to have commenced in both the British kingdoms nearly about the same time, yet that difference soon became considerably greater in Scotland than in England. The following proclamation, issued by Edward III. A.D. 1355. is an unquestionable evidence of both these facts: "The  
 " ancient money of Scotland was, till these times,  
 " of the same weight and alloy as our sterling  
 " money of England; and therefore did always  
 " pass current in England. But because new  
 " money of the same form and denomination  
 " with the old, but of inferior weight and fine-  
 " ness, hath been lately coined in Scotland, and  
 " is current in our kingdom, it is necessary to  
 " prevent this, which would be a manifest loss to  
 " our people. We command, therefore, that  
 " proclamation be made, in all cities, towns, &c.  
 " That none of our subjects take that new money  
 " of Scotland in payment, except for its real  
 " value as bullion to be brought to our mint;  
 " and that the old money shall have the same  
 " currency as usual<sup>87</sup>." How much this new money of Scotland differed from English money, we are not informed; but it is probable the dif-

State of the  
coin of  
Scotland.

<sup>85</sup> Anderson's Hist. Com. vol. i. p. 129. T. Walsing. Hist. Angl. p. 48. Hemmingford. Hist. Ed. I. p. 6.

<sup>86</sup> T. Wykes Chron. ann. 1279. <sup>87</sup> Rym. Feod. tom. 5. p. 813.  
ference

ference was not very perceptible, since a royal proclamation was necessary to put the people upon their guard against taking it in payment. But the difference increased so fast, that before the end of the century, the coins of Scotland were not above half the value of those of England of the same denomination. This appears from the 12th chapter of the statutes made at Westminster, A.D. 1390., — “ The groat of  
 “ Scotland shall pass only for two pence in Eng-  
 “ land; the half-groat for one penny, the penny  
 “ for a half-penny, and the half-penny for a  
 “ farthing.” ”

High in-  
 terest of  
 money.

The high premiums that were usually paid for the use of money borrowed, must have been a great obstruction to trade in this period. The church of Rome still continued to prohibit lending money on interest, declaring it to be usurious and heretical. Though this could not prevent such transactions, it prevented their being regulated by law; and therefore the rate of interest varied according to the necessities of the borrower, the avarice of the lender, and many other circumstances. It hath been already observed, that the Caurfini, who were agents for the Pope in England, sometimes extorted no less than sixty per cent. per annum. For this, it is true, they were excommunicated by Roger Bishop of London, A.D. 1235.; but they were protected by the Pope, who, says the historian, was suspected of

“ Statutes, 14th Richard II. ch. 12.

being

being their accomplice; and none, we may presume, who had not so powerful a protector, would have dared to be guilty of such intolerable extortion<sup>90</sup>. In general, therefore, we may be certain that the premium demanded for the use of money was commonly much lower, most probably about twenty per cent. per annum, or under<sup>91</sup>. In the marriage-contract of Margaret daughter of Alexander III. King of Scotland, with Eric King of Norway, A.D. 1281., it is stipulated, that if any part of the princess's fortune (which was 14,000 marks) was not paid at the terms agreed upon, the King of Norway should be immediately put in possession of estates in Scotland, as a security for the money, and for payment of the interest; and that an estate given him in security for a thousand marks should yield at least one hundred marks of yearly rent, being an interest of ten per cent. per annum<sup>92</sup>. But as this was an amicable transaction between two princes, contracting a near alliance, and the security was a real estate, it is probable, that the interest was much lower than the ordinary rate exacted by private money-lenders on personal security. It may be observed, in passing, that the greatness of the portion of this princess is one proof, amongst many others, that the wealth of Scotland bore a much greater proportion to that of England before the death of Alexander III. than ever it did after that fatal event.

<sup>90</sup> M. Paris, p. 286.

<sup>92</sup> Andersen's Hist. Com. v. 1. p. 142.

<sup>91</sup> Rymer. Fed. tom. 2. p. 1080.

Compara-  
tive value  
of money  
and ex-  
pence of  
living.

So much hath been said in the 6th chapter of the 3d book of this work, concerning the comparative value of money, and expence of living, in the eleventh and twelfth centuries, and in the present times, that it will not be necessary to say much on these subjects here, as no very remarkable change in these particulars seems to have taken place in the present period<sup>22</sup>. To near the middle of the fourteenth century, a nominal pound sterling in coin was a real pound of silver, or about three of our nominal pounds; and the same quantity of silver, as an ounce, or a pound, would have then purchased as many of the necessaries of life, as five ounces, or five pounds, will do at present. That the above computation is not far from the truth, might be proved from many facts mentioned by our ancient historians: but the two following, it is hoped, will be thought sufficient. One of these historians speaking of Sir William de Lisle, the tyrannical sheriff of Northumberland, A.D. 1256., says, — “He was rich, having an estate which was reckoned worth one hundred and fifty pounds a-year<sup>23</sup>.” According to the above computation, Sir William was as rich as a gentleman is at present who hath a clear estate of 2250l. a year; who may indeed be called rich, though many private gentlemen are much richer. Another historian, who flourished in the fourteenth century, acquaints us, that the ordinary salaries of curates, before the great pestilence A.D. 1348., were

<sup>22</sup> See vol. 6. chap. 6. p. 302—307.

<sup>23</sup> M. Paris, p. 627.



four or five marks a-year; equivalent, according to the above supposition, to forty or fifty pounds at present, which may be called the ordinary salaries of curates in our times<sup>24</sup>. It is true, indeed, that in the year after the pestilence curates demanded ten or twelve pounds a-year; but these demands were owing to the great scarcity of clergymen; they were thought exorbitant, and were restrained by law.<sup>25</sup>

Sailors and ships being the great instruments of *Sailors.* foreign trade, the prosperity of every commercial country, especially of an island, must depend very much on the multitude and dexterity of its sailors, and the number and goodness of its ships. The English sailors preserved, through the whole of this period, that character of superior skill in navigating their ships, and superior courage in combating their enemies, which they had long possessed, and which they still possess. This is evident from their exploits, and from the testimony of contemporary historians. The victory near Sluys, A. D. 1340., was certainly one of the greatest ever obtained by the English over the French at sea; that victory is said to have been chiefly owing to the superior dexterity of the English sailors in the management of their ships<sup>26</sup>. The monk of Malmesbury, who wrote the history of Edward II., in whose reign he flourished, gives the following character of English sailors, A. D.

<sup>24</sup> H. Knyghton, col. 2600.

<sup>25</sup> *Id.* *ibid.*

<sup>26</sup> R. de Avesbury, p. 54—56. T. Walsing. p. 148. Campbell's Lives of the Admirals, v. 1. p. 197.

1315.:—"English ships visit every coast; and  
 "English sailors excel all others, both in the  
 "arts of navigation, and in fighting.""

The shipping of  
 England did not in-  
 crease, but  
 rather de-  
 creased,  
 in this  
 period.

It is difficult or rather impossible to discover the exact state of the shipping of England in this period, at this distance of time, though we have some reason to think that it did not increase either in the size or number of ships, if it did not decrease. We learn from an authentic record, that the largest ship of war in England, A.D. 1304., had only a crew of forty men; and in the fleet of Edward III., at the siege of Calais, A.D. 1346., the complement of each ship, on an average, was only twenty men<sup>97</sup>. Some of the kings of England had very large fleets under their command in this period, which might make us imagine that ships were then very numerous. Edward III., at the above siege, had a fleet of seven hundred English, and thirty-eight foreign ships; and the same prince, when he invaded France A.D. 1359., is said to have had no fewer than eleven hundred ships<sup>98</sup>. But these great fleets consisted of all the ships in all the ports of England, which, on such emergencies, were impressed, together with their crews, into the King's service. It appears from many of the press-warrants of those times, that the persons to whom the execution of them was committed, had authority, not only to seize all ships and vessels,

<sup>97</sup> Mon. Malmf. Vita Ed. II. an. 1315. p. 157.

<sup>98</sup> Rym. Fœd. tom. 2. p. 943. Hakluyt's Voyages, p. 118.

<sup>99</sup> Id. p. 121. Walsing. Ypodigma Neufrie, p. 543.

great

great and small, in the several ports, but all that came in from sea during the continuance of their commission; to cause those that were loaded to be immediately unloaded, though they had not reached their intended port, and to conduct the whole, with all their crews, to a certain place, for the King's service<sup>100</sup>. Besides all this, Edward III. called a kind of naval parliament, A.D. 1344., commanding each sea-port to send a certain number of commissioners to London, to give him an exact account of the state of shipping in his kingdom<sup>101</sup>. From this naval parliament, as well as from other evidences, it appears, that Yarmouth abounded more in shipping, at that time, than any other port in England, London perhaps excepted. For London and Yarmouth were required to send each four commissioners, while Bristol, Newcastle, and other great trading towns, were required to send only two, and many others only one<sup>102</sup>. When all these circumstances are considered, it seems not improbable, that our kings had sometimes one half at least of all the ships of England in their service; particularly Edward III., when he invaded France A.D. 1359. But the complaints of the commons in parliament on this head, afford the clearest proof of the decrease of shipping; and it was to remedy this great evil, that the first navigation-act was made A.D. 1381., as

<sup>100</sup> Rym. Fœd. tom. 5. p. 3. 6. 12. 23. 24. 243. 300. 304.; tom. 6. p. 167. 169, &c.

<sup>101</sup> Id. tom. 5. p. 4, 5, 6.

<sup>102</sup> Id. ibid.

appears from the preamble<sup>103</sup>. By that act all English merchants were commanded to freight none but English ships, under the penalty of forfeiting all the goods they embarked in foreign bottoms. But it was soon found that this act could not be executed without interrupting and diminishing the trade of native English merchants, and therefore permission was granted, by another act, A. D. 1382., to freight foreign vessels, when they could not procure English ships.<sup>104</sup>

Causes of  
the de-  
crease of  
shipping.

It is not difficult to discover the causes which prevented the increase, and even occasioned a diminution of the shipping of England in this period. The chief cause of this unquestionably was, the great encouragement given to *merchant-strangers*, who carried on a great part of the trade in foreign bottoms. The frequent seizure of English sailors and ships by government, was also a disadvantage, from which foreigners were exempted by the most solemn stipulations<sup>105</sup>. Upon the whole, the abounding of merchant-strangers was more convenient to our kings (to whom they advanced great sums of money) than beneficial to their subjects; and the violent clamour of the English against them was not so unreasonable as it hath been represented by some of the historians of those times.

Mariner's  
compass.

The sailors of this period enjoyed a great advantage above their predecessors in the use of the

<sup>103</sup> Statutes at Large, an. 1381.

<sup>104</sup> Id. A. D. 1382. ch. 8.

<sup>105</sup> Anonymi Historia Edward III, an. 1337.

mariner's compass, which encouraged them to venture more boldly on the open sea, and to steer a more direct course to their intended port. The principles of that instrument were not quite unknown before this time, and some faint attempts had even been made to apply them to navigation; but a convenient method of doing it was not then discovered<sup>106</sup>. The honour of inventing the mariner's compass hath been given to several different persons; but upon the whole it seems to be most probable, that the world is indebted for this most useful invention to Flavio de Gioca of Amalphi, who, about A.D. 1302., constructed a compass with only eight points, which was afterwards improved at different times and in different countries.<sup>107</sup>

But notwithstanding this advantage, few discoveries of unknown countries were made in this period, either by British or foreign sailors. Nicolas de Lenna, a Carmelite friar, is said to have made five voyages for discovery towards the north pole, in the reign of Edward III., and to have presented a description of the countries which he had discovered to that king; and it is also reported that one Macham an Englishman discovered the island of Madeira, A. D. 1344.<sup>108</sup>

Few discoveries of unknown countries made in this period.

But it must be confessed, that the relations we have of these discoveries are very imperfect, and

<sup>106</sup> See vol. 6. p. 293.

<sup>107</sup> Anderson's Hist. Com. v. 1. p. 144.

<sup>108</sup> Campbell's Lives of the Admirals, v. 1. p. 252. Hakluyt, vol. 1. p. 121, 122. v. 2. part 2. p. 1.

in some particulars not very probable. Pope Clement VI., November 15th, A.D. 1344., created Lewis of Spain King of the Fortunate Islands, supposed to be the Canaries, after His Holiness had preached a sermon to prove, that he had the sole right of creating kings and bestowing kingdoms<sup>109</sup>. But so imperfect were the hints which had been received of these islands, that this new monarch was never able to discover in what part of the world his dominions were situated. The Canaries, however, were actually discovered A.D. 1395., by some Spanish and French adventurers; and this seems to have been the furthest point towards the south-west to which any Europeans had proceeded by sea, at the end of the fourteenth century.<sup>110</sup>

<sup>109</sup> W. Hemmingford, vol. 2. p. 376.

<sup>110</sup> Hakluyt, v. 2. part 2. p. 1.

THE  
HISTORY  
OF  
GREAT BRITAIN.

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BOOK IV.

CHAP. VII.

*History of the Manners, Virtues, Vices, remarkable Customs, Language, Dress, Diet, and Diversions of the people of Great Britain from the death of King John, A.D. 1216., to the accession of Henry IV., A.D. 1399.*

THE Romans, Saxons, Danes, and Normans, by their conquests and settlements in this island, made great and conspicuous changes in the manners, customs, &c. of the inhabitants of those parts of it in which they settled. These changes have been described in their proper places in the preceding volumes of this work. But as no foreign nations made any conquests or

Changes of manners, &c. not so great in this as in former periods.

settle-

settlements in any part of Britain in the present period, the alterations in manners, &c. which then took place, were only such as were naturally brought about by the instability of the humours, fashions, circumstances, and affairs of mankind, and by the gradual progress of society. These alterations, however, upon an attentive examination, will be found considerable, and worthy of a brief delineation.

Sudden  
changes in  
manners,  
&c.,

The manners and characters of nations sometimes change very suddenly with their circumstances. Of this we meet with several striking examples in the history of England in the present period. The national character and manners of the English during the civil wars, and great relaxation of the reins of government in the reign of Henry III., are thus described by a contemporary historian, A.D. 1267.: "In these five  
"years past there have been so many battles,  
"both by land and sea, so much slaughter and  
"destruction of the people of England, so many  
"devastations, plunderings, robberies, thefts,  
"sacrileges, perjuries, treacheries, and treasons,  
"that the nation hath lost all sense of distinction  
"between right and wrong, virtue and vice. In  
"a word, such hath been the insignificance of  
"the laws, through the weakness of the King,  
"that every one did whatever seemed good in  
"his own eyes." No part of the national character of the English is more unquestionable than

Chron. T. Wykes, an. 1267. p. 33.

their



their valour; and yet (if we may believe the best of our ancient historians) they were so much dispirited by their great defeat at Bannockburn, A.D. 1314., that they lost all their wonted courage for a season, and degenerated into dastardly poltroons. The consternation of the English, on that occasion, is painted by one of these historians in the following mournful strain: "O day of vengeance  
 " and misfortune, odious accursed day, no longer  
 " to be computed in the circle of the year, which  
 " stained the glory of the English, spoiled us, and  
 " enriched the Scots to the value of two hundred  
 " thousand pounds! How many illustrious barons and valiant youths, how many noble horses  
 " and beautiful arms, how many precious vestments and golden vessels, were carried off in  
 " one cruel day?" "At that time (says another  
 " of these historians), many of the English fled  
 " to the Scots, and joined with them in their invasion of Northumberland, plundering towns  
 " and castles, desolating the whole country with  
 " fire and sword, and carrying away the wretched  
 " inhabitants into captivity, with their horses,  
 " herds, and flocks, without meeting with any  
 " resistance. For the English at that time had  
 " so entirely fallen from their ancient valour, that  
 " a hundred of them used to fly at the approach  
 " of two or three Scotch men." But this eclipse of the native bravery of the English was not of long duration, and nothing could be more unrea-

<sup>2</sup> Monach. Malm. Vita Edwardi II.

<sup>3</sup> T. Walsing. p. 106.

sonable,

sonable, than to form our opinion of the national character of any people from its appearance in a season of anarchy or despair.

National  
characters  
not to be  
taken from  
some  
monkish  
historians:

Neither would it be safe to form our notions of the national character of the people of England in this period, from the pictures which are drawn of it by some of the monkish historians of those times. The monk of Malmesbury, in particular, who wrote the life of Edward II., paints his countrymen and contemporaries in the blackest colours. "What advantage (says he) do we reap from all our modern pride and insolence? In our days the lowest poorest wretch, who is not worth a halfpenny, despises his superiors, and is not afraid to return them curse for curse. But this, you say, is owing to their rusticity. Let us see then the behaviour of those who think themselves polite and learned. Where do you meet with more abuse and insolence than at court? There every one, swelling with pride and rancour, scorns to cast a look on his inferiors, disdains his equals, and proudly rivals his superiors. The squire endeavours to outshine the knight, the knight the baron, the baron the earl, the earl the king, in dress and magnificence. Their estates being insufficient to support this extravagance, they have recourse to the most oppressive arts, plundering their neighbours and stripping their dependents almost naked, without sparing even the priests of God.—I may be censured for my too great boldness, if I give an ill character of my own country-

“ countrymen and kindred ; but if I may be permitted to speak the truth, the English exceed all other nations in the three vices of pride, perjury, and dishonesty. You will find great numbers of this nation in all the countries washed by the Greek sea ; and it is commonly reported that they are infamous over all these countries for their deceitful dealings<sup>4</sup>.” But we must remember, that this picture was drawn by a peevish monk, in very unhappy times, when faction raged with the greatest fury, both in the court and country.

Nor would it be proper to take the national character of the people of Britain, in this period, from their contemporaries on the continent. The French were enemies to the English ; and the Italians of those times affected to consider all other nations as barbarians. Even the illustrious Petrarch, the politest scholar, as well as the greatest poet of the fourteenth century, could not divest himself of this prejudice. “ In my youth (says he), the inhabitants of Britain, whom they call English, were the most cowardly of all the barbarians, inferior even to the vile Scots<sup>5</sup>.” Sir John Froissart, famous for his frankness and sincerity, who was well acquainted with the English, doth justice to their valour on many occasions ; but blames them for their insolent and disgusting behaviour to the peo-

<sup>4</sup> Monach. Malm. an. 1315. p. 153. 160.

<sup>5</sup> Petrarchi Opera, Epist. Famil. l. 22. Ep. 3. *Memoires pour la Vie de Petrarque*, tom. 3. p. 553.

ple of other nations. "When I was at Bour-  
 "deaux, a little before the departure of the  
 "Prince of Wales on his expedition into Spain,  
 "I observed, that the English were so proud and  
 "haughty, that they could not behave to the  
 "people of other nations with any appearance  
 "of civility. Even the gentlemen of Gascony  
 "and Aquitaine, who had lost their estates in  
 "fighting for them, could not obtain the smallest  
 "place of profit from them, being constantly  
 "told, that they were unfit for, and unworthy  
 "of preferment. By this treatment they lost  
 "the love, and incurred the hatred of these gen-  
 "tlemen; which they discovered as soon as an  
 "opportunity offered. In a word, the King of  
 "France gained these gentlemen, and their  
 "countries, by his liberality and condescension,  
 "and the English lost them by their haughti-  
 "ness." This character was written by a  
 Frenchman, not long after the glorious victory  
 of Poitiers; on which we need not wonder that  
 the English were elated. But though some de-  
 gree of haughtiness in such circumstances may be  
 excusable, it is always offensive and imprudent.  
 Sir John Froissart's character of the Scots is still  
 more unfavourable. When John de Vienne, Ad-  
 miral of France, conducted a gallant troop of one  
 thousand knights and esquires, the very flower of  
 chivalry, into Scotland, A. D. 1385, to excite  
 and assist the Scots to invade England, the no-

\* Froissart, tom. 3. ch. 20. p. 75.

blemen

blemen and gentlemen of that troop complained bitterly of the poverty of the country, and of the rudeness and incivility of the people. "The Scots (says he), being naturally fierce and unpolished, hated and despised the French, and gave them the most contemptuous names they could invent. For in Scotland there is little or no politeness, the people in general being a kind of savages, envying the riches of others, and tenacious of their own possessions." But it plainly appears, that the Scots at that time did not wish to renew the war with England, in the course of which their country had been almost ruined and depopulated. This made these French auxiliaries very unwelcome guests: and their own insolent rapacious behaviour did the rest. We have even reason to suspect, that there never was any cordial friendship between the Scots and French; and that their common dread of the English was the only cement of their union.

Religion, and the characters of its ministers, have a considerable influence on the manners of mankind in all ages. Their influence in this period was most pernicious. Nothing could be more corrupt, and unfriendly to virtue, than that system of Christianity that then prevailed in Britain, and all the nations of Europe, except the lives of the generality of its teachers. It is impossible to read without horror the descriptions given by Petrarch (who was himself a priest), of

Corruption  
of the  
papal  
court.

<sup>1</sup> Froissart, tom. 2. ch. 260. p. 284.

the

the profligacy of the papal court in the fourteenth century, while it resided at Avignon. If there be any truth in these descriptions, of which we have no reason to doubt, that city was then the most odious unhallowed scene that ever the sun beheld. " You imagine (wrote he in a letter to a friend), " that the city of Avignon is the same now that " it was when you resided in it:—No; it is very " different.—It was then, it is true, the worst and " vilest place on earth; but it is now become a " terrestrial hell, a residence of fiends and devils, " a receptacle of all that is most wicked and " abominable. What I tell you is not from hearsay, but from my own knowledge and experience. In this city there is no piety, no reverence or fear of God, no faith or charity, " nothing that is holy, just, equitable, or humane. " Why should I speak of truth, where not only " the houses, palaces, courts, churches, and the " thrones of popes and cardinals, but the very " earth and air, seem to teem with lies. A future state, heaven, hell, and judgment, are " openly turned into ridicule, as childish fables. " Good men have of late been treated with so " much contempt and scorn, that there is not " one left amongst them to be an object of their " laughter." To confirm the truth of these and other reproaches no less severe, Petrarch relates several curious anecdotes of the dissimulation and debauchery of the cardinals, which

\* Fran. Petrarch. *Epist. sine titulo*, lib. I. p. 7. 10, &c.

are too indelicate to be admitted into this work.\*

When the manners of popes, cardinals, court-prelates, and their retainers, were so corrupted, those of the clergy in general could not be pure; especially when (as we are assured by the same author) the more wicked any one was, the more certain he was of preferment in the church<sup>10</sup>. Accordingly we find, that the vices of the clergy were the chief subjects of satire in every country in Europe, and particularly in England, in the fourteenth century. The poems of Chaucer abound in such satire; and the *Plowman's Tale* is one continued invective against the clergy for their gross ignorance, cruelty, covetousness, simony, vanity, pride, ambition, drunkenness, gluttony, lechery, and other vices; of which the following are a few examples:

Profligacy  
of the  
clergy.

Suche as can nat yfay ther crede,  
With prayer shul be made prelates;  
Nother canne thei the gospell rede,  
Suche shul now weldin hie estates.

Their  
gross igno-  
rance.

There was more mercy in Maximine  
And Nero, that never was gode,  
Than there is now in some of them,  
Whan he hath on his furred hode.

Cruelty.

They halowe nothing but for hire  
Ne churche, ne font, ne vestement;  
They layith out thir large nettes,  
For to takin silver and golde.

Covetous-  
ness.

\* Fran. Petrarch. *Epist. sine titulo*, lib. 1. p. 7. 10, &c.

<sup>10</sup> Id. *ibid.*

Thei

- Thei ~~also~~ coffers and lackes fettes  
There as they catchen foules sholde.
- Simony.** Ne usin thei no simonie  
But selle churches and priories.  
— With purse they purchase parsonage.
- Vanity in  
dres.** Of scarlet and grene gale gounes,  
That mete be shapen for the newe,  
To clippen and kisse in towne  
The domofiles that to the daunce sewe,  
Cuttid clothis to sewe ther hewe,  
With long pikis on ther shone,  
Or Gode's gospel is not true,  
Either thei serve the devill or nose.
- Pride.** Lordes also more to them loute,  
Oweysaunt to ther brode blessing,  
Thei reiden with ther royal route  
On a courfir as it were a king,  
With sadle of golde glittering,  
With curious harnais quaintly crallit<sup>11</sup>,  
Stiropis gale of golde maffling.<sup>12</sup>
- Ambition  
and ty-  
ranny.** These han more might in Englande here,  
Than bath the king and all his lawe;  
Thei han purchasid such powere  
To takin 'hem whom list not knowe.  
The king's law wol no man deme  
Angerlich, withoutin answere;  
But if any man these misqueme,  
He shall be baighted as a bere.
- Luxury.** Thei sive of many manir metes,  
With sone and folas sittin long;  
And filleth ther wombe, and fast fretes<sup>13</sup>,  
And from the mete unto the gong.<sup>14</sup>

<sup>11</sup> Crallit, engraved.<sup>12</sup> Maffling, shining.<sup>13</sup> Fast fretes, eat voraciously.<sup>14</sup> Gong, a jakes.



And after mete with harp and song,  
 And hot spices ever among;  
 And fille their wombe with wine and ale.

Mennis wivis thei wollin hold,  
 And though that thei bin right fory,  
 To speke thei shall not be so bold,  
 For sompning to the confistory,  
 And make them faie with mouthe I lie,  
 Though thei it fawin with ther eye,  
 His lemman holden openly,  
 No man so hardy to aske why.

Lechery.

They use horedom and harlottrie,  
 And covetise, and pompe, and pride,  
 And sloth, and wrathe, and eke envie,  
 And swine tinne by every side.  
 As Goddes godines no man tell might,  
 Ne write, ne speke, ne think in thought,  
 So ther falsheid, and ther unright,  
 Maie no man telle that ere God wrought.<sup>15</sup>

Other  
 vices.

The dissoluteness of the clergy in our present period was so conspicuous, that it gave rise to an opinion that universally prevailed, that the times of Antichrist were drawing near. "It is believed by all wise men (says Roger Bacon), that the times of Antichrist are near at hand<sup>16</sup>." Dr. Nicholas Orem, a celebrated preacher, in a sermon before the Pope and cardinals, A.D. 1364., proposed to prove that Antichrist would shortly make his appearance in the world, from the following signs of his approach:—1. The Christian church was become more corrupt than that of the

The times  
 of Anti-  
 christ be-  
 lieved to  
 be at hand.

<sup>15</sup> Chaucer's Works, published by Urry, p. 179—189.

<sup>16</sup> Bacon. Opus Majus, p. 254.

Jews was in the days of Christ, of which he gave many examples.—2. The great inequality in the state of the Christian clergy, “ of whom some be “ so high that they exceed all princes of the “ earth ; some again be so base, that they are “ under all rascals.”—3. The pride of prelates, which doth excite indignation in many, and respect only in few.—4. The intolerable tyranny of the governors of the church, which was so violent that it could not be lasting.—5. The promoting the most vicious and unworthy in the church, and neglecting the most worthy.—6. The princes and rulers of the church hate them that tell them truth, and refuse to hear their faults<sup>17</sup>. Even Petrarch, though he doth not seem to have had any scruples about the doctrines and ceremonies of the church, was so much shocked at the gross corruption of manners in the papal court, that he applied the predictions in the book of the Revelations of St. John, relating to Babylon, the mother of harlots, and abominations of the earth, to the city of Avignon, which was then the residence of the Pope and cardinals<sup>18</sup>. At length Dr. John Wickliff in England, and several eminent persons in other parts of Europe, openly affirmed, that the Pope was Antichrist; and that it was the duty of emperors, kings, princes, and nobles, to resume the lands and donations that had been granted to the church by their ancestors, for the support of

<sup>17</sup> Fox's Acts and Monuments, p. 383, &c.

<sup>18</sup> Revelat. chap. 17. Petrarchi Opera, edit. Basil. p. 729.

the clergy; because they were possessed by Anti-christ and his ministers.<sup>19</sup>

This too general profligacy of the clergy could not fail to have an ill effect on the manners of the laity. For the clergy in those times possessing immense wealth and great power, had many followers and dependents, who were no doubt ready enough to imitate their example, to flatter them in their vices, and to minister to their pleasures. We have reason therefore to suspect, that the laity in general were not more virtuous than their teachers, though, from the difference of their circumstances, their vices were in some respects different. The cruel unnatural law of the celibacy of the clergy, for example, involved many of that body in various vices, to which the laity had not the same temptations.

Profligacy  
of the clergy  
corrupted  
the laity.

But though there is sufficient evidence that rational religion and real virtue did not greatly flourish among the people of Britain in the thirteenth and fourteenth centuries, we must not imagine that the national virtues which prevailed in their ancestors were now quite extinct in their posterity<sup>20</sup>. No! they still possessed the same kind of piety, strongly tinctured with superstition, and would have been no less liberal to the church than their forefathers, if they had not been restrained by laws, which they laboured to elude. A passion for holy wars, pilgrimages, relics, &c.

Religion  
strongly  
tinctured  
with super-  
stition.

<sup>19</sup> Hen. Knyghton, col. 2707. T. Walsing. p. 191.

<sup>20</sup> See vol. 6. p. 333—342.

was also very general, and esteemed one of the strongest evidences of eminent piety. Henry Spencer, the warlike Bishop of Norwich, raised a great army in England, and conducted it to the continent, A.D. 1383., to support the election of Pope Urban VI., and put to death all the adherents of his antagonist Clement VII. The bulls of Urban, promising a plenary remission of their sins, and a place in paradise, to all who fought in his cause, or contributed money to support it, were the chief instruments employed to raise that army, and to collect money for its pay, and the other expences of that holy war". "As soon  
 " (says the historian) as these bulls were published in England, the whole people were transported with joy, and thought that the opportunity of obtaining such inestimable graces was  
 " not to be neglected". Pilgrimages were frequently and universally performed by persons of all ranks; and those that were longest and most dangerous were believed to be most meritorious. That an excessive veneration for relics was no less universal, is evident from the following curious transaction, recorded by an eye-witness. Henry III. summoned all the great men of the kingdom, A.D. 1247., to come to London on the festival of St. Edward, to receive an account of a certain sacred benefit which heaven had lately bestowed on England. The singular strain of this summons excited the most eager curiosity, and

" T. Walsing. p. 297.

" Id. ibid.

brought

brought great multitudes to London at the time appointed. When they were assembled in St. Paul's church, the King acquainted them, that the great master of the knights-templars had sent him, by one of his knights, a phial of crystal, containing a small portion of the precious blood of Christ, which he had shed upon the cross for the salvation of the world, attested to be genuine by the seals of the patriarch of Jerusalem, of several archbishops, bishops, abbots, and other great men of the Holy Land. This, he informed them, he designed to carry the next day, in solemn procession to Westminster, attended by them, and by all the clergy of London, in their proper habits, with their banners, crucifixes, and wax candles; and exhorted all who were present to prepare themselves for that sacred solemnity, by spending the night in watching, fasting, and devout exercises. On the morrow, when the procession was put in order, and ready to set forward, the King approached the sacred phial, with reverence, fear, and trembling, took it in both his hands, and holding it up higher than his face, proceeded under a canopy, two assistants supporting his arms. Such was the devotion of Henry on this occasion, that though the road between St. Paul's and Westminster was very deep and miry, he kept his eyes constantly fixed on the phial, or on heaven. When the procession approached Westminster, it was met by about one hundred monks of that abbey, who conducted it into the church, where the King deposited the

venerable relic, which (says the historian) made all England shine with glory, dedicating it to God and St. Edward, to the church of St. Peter's Westminster, and the monks of that abbey". An astonishing display of mistaken piety, or rather of the most sottish superstition and credulity!

Valour.

Courage and bravery may very safely be reckoned among the national virtues of both the British nations in this period; of which the history of their martial achievements affords the clearest proofs. The two glorious victories of Cressy and Poitiers are incontestible evidences of the heroic valour of the English; and the obstinate invincible fortitude with which the Scots asserted the independency of their country, against the repeated efforts of their too powerful neighbours to subdue them, is a demonstration that they were then a brave and valiant people.

Generosity.

A noble spirit of liberality and munificence prevailed in this period, especially among the great martial barons; of which it may be proper to give one example:—The Lord James Audeley, one of the first knights of the Garter, obtained permission from the Prince of Wales to begin the battle of Poitiers; and, attended by his four faithful esquires, performed prodigies of valour. As soon as the action was over, and the victory complete, the Prince inquired for the Lord Audeley; and being informed that he lay dangerously wounded at a little distance, commanded,

\* M. Paris, an. 1247., p. 493. col. 2.

if

if it could be done with safety, to bring him to his tent. When Lord Audeley, carried in a litter, entered, the Prince embraced him in the most affectionate manner; declared, that he had been the best doer in arms in the business of that day; and made him a grant of five hundred marks yearly (equivalent to about 8000*l.* at present), as a reward of his valour. Lord Audeley accepted this noble grant with the warmest expressions of gratitude; but as soon as he was carried to his own tent, he bestowed it on his four brave and faithful esquires, without reserving any share of it to himself. The Prince applauded this generous action, and rewarded it with another grant of six hundred marks a-year<sup>25</sup>. The generosity of those times was not always so wisely directed, but often degenerated into vain absurd extravagance. Alexander III., King of Scotland, being present at the coronation of Edward I., rode to Westminster, attended by one hundred knights, mounted on fine horses, which they let loose, with all their furniture, as soon as they alighted, to be seized by the populace as their property. In this he was imitated by the Earls of Lancaster, Cornwall, Gloucester, Pembroke, and Warrenne, who each paid Edward the same expensive unprofitable compliment<sup>26</sup>. The extravagant ruinous liberalities of Henry III. and Edward II. are so well known, that they need not be mentioned.

<sup>25</sup> Froissart, tom. i. ch. 165. 167.

<sup>26</sup> H. Knyghton, col. 2461.

Hospita-  
lity.

An almost unlimited hospitality reigned in the palaces of princes, and the castles of great barons, in the times we are now delineating. The courts of some of the kings of England in this period are said to have been splendid and numerous, to a degree that is hardly credible, and of which no examples have been seen for several centuries. That of Richard II. is thus described by an historian of the greatest integrity: "His  
"royalty was such, that wheresoever he lay, his  
"person was guarded by two hundred Cheshire-  
"men; he had about him thirteen bishops, be-  
"sides barons, knights, esquires, and other more  
"than needed; inasmuch, that to the household  
"came every day to meat ten thousand people,  
"as appeared by the messes told out of the  
"kitchen to three hundred servitors, &c."<sup>27</sup>  
We may form some idea of the magnificence and hospitality of the opulent and powerful barons of those times, from an account of the household expences of Thomas Earl of Lancaster for A. D. 1313.<sup>28</sup> From that account it appears, that this great Earl expended in house-keeping that year no less than 7,309*l.* containing as much silver as 21,927*l.* equal in efficacy to 109,635*l.* of our money at present. The surprising cheapness of some of the articles in that account gives us reason to think, that it would even require a much greater sum than 109,635*l.* to purchase an equal quantity of pro-

<sup>27</sup> Stow's Annals, p. 323.

<sup>28</sup> Anderson's History of Commerce, an. 1313.



vifions at this time. The pipe of French wine coft only 17s. which, according to the above computation, was equivalent to 4l. 5s. of our money; a very inconfiderable part of its price at prefent. We may judge alfo of the grandeur and hofpitality with which this Earl lived, and of the immense quantities of provifions of all kinds that were confumed in his family in one year, from the quantity of wine, which was no lefs than three hundred and feventy-one pipes<sup>29</sup>. Other earls and barons in general fpent almoft all their revenues, and the produce of their large domains, in hofpitality at their caftles in the country, which were ever open to ftrangers of condition, as well as to their own vaffals, friends, and followers. This profufe expenfive hofpitality, it would feem, began to decline a little towards the conclufion of this period, and fome barons, inftead of dining always in the great hall with their numerous dependents, according to ancient cuftom, dined fometimes in private parlours, with their own families, and a few familiar friends. But this innovation was very unpopular, and fubjected thofe who adopted it to much reproach.<sup>30</sup>

A fplendid oftentatious kind of gallantry, expreffive of the moft profound refpect and higheft admiration of the beauty and virtue of the ladies, was ftudied and practifed by the martial barons, knights, and efquires of this period. This gal-

Romantic  
gallantry.

<sup>29</sup> Anderfon's *History of Commerce*, an. 1313.

<sup>30</sup> Warton's *Hift. of Poetry*, vol. 1. p. 276.

lantry appeared in its greatest lustre at royal tournaments, and other grand and solemn festivals, at which the ladies shone in their brightest ornaments, and received peculiar honours. When Edward III., A.D. 1344., celebrated the magnificent feast of *the round table*, at Windsor, to which all the nobility of his own dominions, and of the neighbouring countries, had been invited, Queen Philippa, and three hundred ladies, illustrious for their birth and beauty, uniformly dressed in the richest habits, adorned that solemnity, and were treated with the most pompous romantic testimonies of respect and admiration<sup>31</sup>. Many of the most magnificent tournaments of those times were the effects of this kind of gallantry, and were designed for the honour and entertainment of the ladies, who appeared at these solemnities in prodigious numbers, and from different countries<sup>32</sup>. Sometimes a few brave and gallant knights published a proclamation in their own, and in several other countries, asserting the superior beauty and virtue of the ladies whom they loved; and challenging all who dared to dispute that superiority, to meet them at a certain time and place to determine the important controversy by combat<sup>33</sup>. These challenges were constantly accepted, and produced tournaments, to which princes, knights, and ladies of different nations, crowded. This romantic gallantry dif-

<sup>31</sup> Walsing. p. 164. Froissart, tom. i. ch. 101. p. 116.

<sup>32</sup> Id. ibid. p. 107.

<sup>33</sup> Id. tom. 4. p. 20. 90.

played itself in times of war, as well as peace, and amorous and youthful knights fought as much for the honour of their mistresses as of their country. A party of English and a party of French cavalry met near Cherburg A.D. 1379., and immediately prepared for battle. When they were on the point of engaging, Sir Lancelot de Lorres, a French knight, cried aloud, that he had a more beautiful mistress than any of the English. This was denied by Sir John Copeland, who run the Frenchman through the body with his spear, and laid him dead at his feet<sup>34</sup>. When Edward III. raised a great army to assert his claim to the crown of France, a considerable number of young English gentlemen put each of them a patch upon one of his eyes, making a solemn vow to his mistress, that he would not take it off till he had performed some notable exploit in France, to her honour; and these gentlemen (says Froissart) were much admired.<sup>35</sup>

The revival of chivalry by Edward I. and Edward III. contributed not a little to promote valour, munificence, and this splendid kind of gallantry, among persons of condition, who aspired to the honours of knighthood, which were then objects of ambition to the greatest princes. An ingenious writer, who had studied this subject with the greatest care, affirms positively, that “all the heroic virtues which then existed in the several states of Christendom, were the

<sup>34</sup> Froissart, tom. 2. p. 50.

<sup>35</sup> Id. tom. 1. ch. 29.

“ fruits

“fruits of chivalry.” This assertion may be too strong; but it cannot be denied, that the spirit and the laws of chivalry were friendly to the cause of virtue. By these laws, none but persons of unfulfilled characters could obtain the honours of knighthood, which were conferred with much solemnity, on the most public occasions, and in the presence of the most august assemblies. After the candidate had given sufficient proofs of his prowess, and other virtues, to merit that distinction, and had prepared himself for receiving it, by fasting, confessing, hearing masses, and other acts of devotion, he took an oath consisting of twenty-six articles, in which, amongst other things, he swore that he would be a good, brave, loyal, just, generous, and gentle knight, a champion of the church and clergy, a protector of the ladies, and a redresser of the wrongs of widows and orphans<sup>36</sup>. Those knights who acquitted themselves of these obligations in an honourable manner, were favoured by the fair, and courted by the great; but those who were guilty of base dishonourable actions, were degraded with every possible mark of infamy. All this could hardly fail to have some influence on the conduct of those who were invested with that dignity; though, from the rudeness of the times, and the general dissolution of manners which then prevailed, that influence was probably much less than might have been expected.

<sup>36</sup> M. de la Curne De Sainte Palaye, sur l'Ancienne Chevalerie, tom. 1. p. 215.

<sup>37</sup> Id. *ibid.* part 2. p. 67—180.

Chivalry declined in England during the inglorious reigns of King John and Henry III. but revived under Edward I. That prince was one of the most accomplished knights of the age in which he flourished, and both delighted and excelled in feats of chivalry. It is a sufficient proof of this, that when he was on his return from the Holy Land, after his father's death, and knew that his presence was ardently desired in England, he accepted an invitation to a tournament at Chalons in Burgundy. At that famous tournament, which-terminated in a real battle, he displayed his valour and dexterity to great advantage, and gained a complete victory<sup>38</sup>. Edward III. was no less fond of chivalry, and encouraged it both by his example and munificence. In this he was influenced by policy, as well as inclination. Having formed the design of asserting his claim to the crown of France, he laboured to inspire his own subjects with a bold enterprising spirit, and to entice as many valiant foreigners as possible into his service. With this view he celebrated several pompous tournaments, to which he invited all strangers who delighted in feats of arms, entertained them with the most flowing hospitality, and loaded such of them as excelled in these martial sports with honours and rewards, in order to attach them to his person and engage them to fight in his cause<sup>39</sup>. With the same view, and

Revived in  
England.

<sup>38</sup> Mat. Westminster, l. 2. p. 354. Annal. Nu. Trivite, ad ann. 1272.

<sup>39</sup> Froissart. tom. i. ch. 90. 101.

about the same time, he founded the most honourable order of the Garter; of which his own heroic son the Black Prince was the first knight, and all the first companions were persons famous for their victories at tournaments, and in real wars<sup>40</sup>. Philip de Valois, King of France, was so much alarmed at these proceedings of his powerful rival, that he set up a round table at Paris, in opposition to that at Windsor, and endeavoured to render his tournaments more splendid than those of England, in order to attract a greater number of foreign knights, that he might retain them in his service<sup>41</sup>. In a word, chivalry, which is now an object of ridicule, was, in those times, a matter of the greatest moment, and had no little influence on the manners of mankind and the fate of nations.

Follies and  
vices.

It is unnecessary to give a long detail of the national foibles and vices of the people of Britain in the present period, as they were nearly the same with those of their ancestors in that immediately preceding<sup>42</sup>. A most absurd irrational credulity still reigned in all the nations of Europe, not only among the vulgar, but among persons of the highest rank and best education. Pope Innocent VI. firmly believed that Petrarch was a magician, because he read Virgil<sup>43</sup>. Many miracles were reported and believed to be wrought in dif-

<sup>40</sup> See the Lives of the founder, and of all the first knights, in Ashmole's History of the Garter, chap. 26.

<sup>41</sup> T. Walsing. p. 164.

<sup>42</sup> See vol. 6. p. 342—350.

<sup>43</sup> Petrarchi Opera, Basil. edit. p. 739.

ferent places, on the most trifling occasions, and are recorded by our gravest historians as unquestionable facts<sup>44</sup>. No prince engaged in any undertaking of importance till his astrologers had consulted the stars, and discovered the auspicious moment for carrying it into execution. Of this we meet with a very curious example, in the account given by Matthew Paris of the marriage of Frederic Emperor of Germany, and Isabella, sister of Henry III., A.D. 1235.<sup>45</sup>

The administration of justice, even in the king's courts, was very corrupt and oppressive in this period. This was partly owing to the venality of the judges, and partly to unlawful confederacies among the subjects, to support each other in their law-suits. The venality of the king's ministers of justice at length became so intolerable and notorious that they were tried by a parliament held at Westminster A.D. 1280., found guilty, and fined according to the degrees of their delinquencies. Sir Adam de Stratton, chief baron of the Exchequer, was fined in no less than 34,000 marks, equivalent to 340,000*l.* of our money at present; and this, with the fines of the other judges, amounted to a sum equivalent to one million in our times<sup>46</sup>. Sir Thomas Weyland, chief justice of the Common Pleas, having been found guilty of

Justice ill  
administer-  
ed.

<sup>44</sup> M. Paris, p. 140, 141, 142, 146. *passim*. T. Walsing. p. 340.

<sup>45</sup> *Nocte vero prima qua consubuit Imperator cum ea, noluit eam carnaliter cognoscere, donec competens hora ab astrologis ei nunciaretur.* M. Paris, p. 285. ad an. 1235.

<sup>46</sup> T. Wykes, *Chron.* an. 1289.

exciting

exciting some of his followers to commit a murder, and of protecting them after they had committed it, was condemned to be hanged; but the King, in consideration that he was a knight (a character which Edward I. much revered), spared his life, banishing him out of the kingdom, and confiscated his whole estate<sup>47</sup>. But all this severity doth not seem to have put an end to this evil; for we meet with very loud complaints of the corruption of the judges long after this time. The monk of Malmfbury, A.D. 1319., assures us, that there was not so much as one of the king's ministers and judges who did not receive bribes, and very few who did not extort them<sup>48</sup>. The eight statutes made in this period against champerty, as it was called, or forming confederacies for supporting each other in all quarrels and law-suits, affords sufficient evidence, that this evil very much prevailed, and was very hard to be eradicated.<sup>49</sup>

Robbery  
prevailed.

Robbery was the reigning vice, not only in Britain, but in all the nations of Europe, in the present period; and robbers were then more numerous, cruel, and destructive, than at any other time. These pests of human society were frequently formed into companies, under the protection of powerful barons, who sheltered them in their castles, and shared with them in their booty.

<sup>47</sup> Annal. Dunstap. an. 1289.

<sup>48</sup> Monach. Malmf. ad an. 1319.

<sup>49</sup> Statutes at Large, 1st Ed. I. ch. 25.; 13th Ed. I. ch. 49.; 38th Ed. I. ch. 2.; 33d Ed. I. ch. 1.; 1st Ed. III. ch. 14.; 4th Ed. III. ch. 2.; 1st Rich. II. ch. 4.; 7th Rich. II. ch. 7.

During



During the feeble reign of Henry III. many strong castles belonging to great men were no better than dens of thieves and robbers, who from thence infested the whole country. In Hampshire their numbers were so great, that the judges could not prevail upon any jury to find any of them guilty; and the King himself complained, that when he travelled through that county, they plundered his baggage, drank his wine, and treated him with contempt. It was afterwards discovered, that several members of the King's household were in confederacy with the robbers<sup>50</sup>. Even under the more vigorous administration of Edward I. a numerous band of robbers assailed the town of Boston, A.D. 1285., in the time of the fair, set it on fire in three places, and carried off an immense booty in money and goods. Their leader Robert Chamberlan, a gentleman of great power and wealth, was taken, tried, and executed; but he could not be prevailed upon to discover so much as one of his accomplices<sup>51</sup>. The robbers of those times plundered all who came in their way without distinction. A troop of them, commanded by Gilbert Middleton and Walter Selby, assailed two cardinals, who were escorted by the Bishop of Durham and his brother Lord Beaumont, attended by a numerous retinue of gentlemen and servants near Darlington, A.D. 1316. Having robbed the cardinals of their money and effects, they

<sup>50</sup> M. Paris, *Vitæ Abbatum*, p. 78. M. Paris, *Hist.* p. 225, &c.

<sup>51</sup> H. Knyghton, p. 2465.

allowed them to proceed on their journey; but they carried the Bishop and his brother prisoners, the one to the castle of Morpeth, and the other to the castle of Mitford, and there detained them till they had paid their ransoms<sup>52</sup>. Peter King of Cyprus and Jerusalem, who visited England A.D. 1363., was robbed on the highway, and stripped of his money and baggage<sup>53</sup>. As the robbers of this period were very numerous, so some of them were very cruel; and the character which one of their chiefs wore embroidered upon his coat in letters of silver, might have been applied to several others,—“I am Captain Warner, “commander of a troop of robbers, an enemy “to God, without pity and without mercy.”<sup>54</sup>

Miserable  
state of  
common  
people.

When those audacious plunderers dared to rob kings, cardinals, bishops, and lords, and even to pillage populous towns, we may presume, that they were very terrible to ordinary travellers, and the inhabitants of the open country. That they really were so, we learn from the historians of those times, who assure us, that travelling was very dangerous, and that the people in the country lived under continual apprehensions of being plundered<sup>55</sup>. Besides this, many other things conspired to render the condition of the great body of the people of Britain, in this period, un-

<sup>52</sup> Walsing. *Ypodigma Neustrie*, p. 503.

<sup>53</sup> T. Walsing. *Hist.* p. 179.

<sup>54</sup> *Memoires de Petrarque*, tom. 3. p. 125.

<sup>55</sup> M. Paris, p. 508, 509. *Vitæ Abbatum*, p. 78. *Rym. Fed.* tom. 2. p. 284. *Annal. Dunstap.* vol. 1. p. 155. Hemming. t. 1. p. 209. Knyghton, col. 2628.

comfortable and unhappy. They were almost necessarily condemned to live in ignorance, and had hardly any means of acquiring either civil or religious knowledge. Religious liberty was quite unknown; and the clergy enslaved the minds of the laity, as well as preyed upon their fortunes, in many different ways. The common people, and even those in the middle ranks of life, enjoyed but a very small share of civil liberty, and all the protection they received from law and government was frequently insufficient to defend them from the oppression of the too powerful barons, who were many of them petty tyrants. The long bloody and destructive wars between England and Scotland, and England and France, involved the people of all these countries in very great calamities. The wars between England and Scotland were carried on with uncommon animosity; and in the course of them much of the best blood in Britain was spilt, many populous towns and villages were reduced to ashes, and the borders of both kingdoms were almost desolated. The devastations of war, and the imperfection of agriculture, occasioned frequent famines, in which many of the common people perished<sup>56</sup>. Some of these famines were so severe, that many mothers, it is said, committed the most unnatural acts of cruelty to prolong their miserable lives<sup>57</sup>. Some of these famines were followed, by epidemical

<sup>56</sup> M. Paris, 652, 653. 655. Monach. Malra. an 1316. p. 166. T. Walsing. p. 54. 63. 108. Knyghton, col. 2435, 2436. 2444. 2502. 2737.

<sup>57</sup> T. Walsing. p. 108.

diseases, or rather plagues, which swept off still greater multitudes. " This year, A.D. 1316. (says Walsingham), the famine gradually increased; and about the beginning of August a quarter of wheat sold at London for forty shillings (equivalent to 30l. of our money at present). The famine was followed by so great a mortality, especially among the poor, that the living were hardly able to bury the dead. For a dysentery, accompanied by an acute fever, occasioned by unwholesome food, became universal, and very soon proved mortal.<sup>58</sup>" The dreadful pestilence which raged over all Britain A.D. 1349, was still, if possible, more destructive. The accounts given of the ravages of this plague, by the best contemporary historians, are hardly credible, some affirming that it carried off one half, and others a much greater proportion of the whole people.<sup>59</sup> When all these circumstances are considered, few will be disposed to envy the happiness of their ancestors who flourished in the thirteenth and fourteenth centuries, or to think that those times were better than the present.

Language.

A kind of confusion of tongues prevailed in England for several centuries after the Norman conquest, when the different orders of the people made use of different languages. This was so much the case, even in the former part of the

<sup>58</sup> T. Walsing. p. 108.

<sup>59</sup> Id. p. 168. Knyghton, col. 2598, 2599, 2600.

fourteenth century, that public speakers were sometimes obliged to pronounce the same discourse three times to the same audience, once in Latin, once in French, and once in English.<sup>60</sup>

Latin was the language of the church, of the schools, of the courts of justice, and in general of the learned of all professions, who frequently conversed and corresponded with one another in that tongue. Divines, philosophers, historians, and even poets, composed the far greatest part of their works in Latin, especially before the middle of the fourteenth century. All acts of parliament to A.D. 1266., and many of them long after, were in that language. It was not till A.D. 1258., that the Great Charter itself was translated into English, and read to the people in their mother-tongue<sup>61</sup>. To the very end of this period the royal proclamations were for the most part in Latin, a language which was understood by none of the common people, and by very few of the nobility or gentry<sup>62</sup>. But it is very probable that these proclamations were translated or explained to the people when they were published.

The Norman or French was the language of the court of England, of the nobility, and of all who wished to be thought persons of rank and fashion, for about three centuries after the con-

<sup>60</sup> Wilkin. Concilia, tom. 2. p. 333. col. 2.

<sup>61</sup> Annal. Dunstap. p. 336. ad an. 1258.

<sup>62</sup> See Rym. Fœd. from vol. 1. to 9.

quest. To the truth of this we could produce the testimony of several unexceptionable witnesses; but that of Ralph Higden, author of the Policronicon, and his translator John de Trevisa, who flourished under Edward III. and Richard II. will be sufficient: "Gentilmen's children ben lerned and taught from theyr youthe to speke Frenshe. And uplondish men will counterfete and liken himself to gentilmen, and arn hely to speke Frenche, for to be more sette by; wherefore it is sayd by comyn proverbe, Jack wold be a gentilman if he coude speke Frenshe." To this, Trevisa the translator adds, "This mannar was moche used tofore the great deth (1349.), but fyth it is somedele chaunged<sup>41</sup>." The following curious and well-attested fact seems to indicate that Edward I. and his nobility did not very well understand either Latin or English. Pope Boniface VIII. having issued a bull, A.D. 1300., commanding Edward I., in a very imperious tone, to desist from troubling the kingdom of Scotland, and to refer all his disputes with the people of that kingdom to His Holiness, he sent it to the Archbishop of Canterbury, with a mandate to deliver it to the King. The Archbishop wrote a letter to the Pope, in answer to that mandate, acquainting him, that he had taken a very long and fatiguing journey into Scotland, and had found the King in his camp near New Abbey, in Galloway, who summoned a great council of his no-

<sup>41</sup> Trevisa's Translation of Higden, lib. 1. fol. 55.

bility

bility to hear his message; that he received the bull with great reverence, commanded it to be read aloud before the council (which consisted of Prince Edward and all the earls, barons, and knights of the army), and afterwards ordered it to be fully explained in the French language.<sup>64</sup>

Anglo-Saxon or English was the language of the great body of the people of England. This language they derived from their ancestors the Anglo-Saxons, and retained with great steadiness, in spite of all the efforts of the Conqueror and his successors to substitute the Norman in its place. It even gradually gained ground, and in the course of this period forced its way into the courts of justice, from which it had been excluded almost three hundred years. An act of parliament was made, A. D. 1362.,—that all pleadings in all courts both of the King and of inferior lords, should be in the English tongue, because French was now much unknown in the realm, and that the people might know something of the laws, and understand what was said for and against them<sup>65</sup>. But this victory was far from being complete: for that very act of parliament was, and many others long after were, in French; a sufficient proof that persons in the higher ranks of life still retained a predilection for that language.

<sup>64</sup> Wilkin. Concil. tom. 2. p. 262.

<sup>65</sup> Statutes at Large, A.D. 1362. ch. 15.

Anglo-  
Saxon  
pure.

The Anglo-Saxon that was spoken in England about two hundred years after the conquest, was surprisingly pure, with very little mixture of Latin, French, or any other language. Of this the reader will be convinced, by perusing the specimen of that language which he will find in the Appendix, with a translation into modern English words interlined. <sup>66</sup>

English.

In the course of the fourteenth century, the Anglo-Saxon gradually changed into what may be called English. This was owing to various causes. That animosity which had long subsisted between the posterity of the Normans and of the Anglo-Saxons was now extinguished, and they were in a great measure consolidated into one people, by intermarriages and other means. Many of the Normans who were engaged in agriculture, trade, and manufactures, though they had been taught French by their parents in their youth, found it necessary to speak the language of the multitude, into which they introduced many French words and idioms, to which they had been accustomed. Besides this, Chaucer, Gower, Wickliff, and several others, composed voluminous works, both of prose and verse, in English; and being men of learning, well acquainted with French and Latin, and some of them with Greek and Italian, they borrowed many words and idioms from those languages, with which they

<sup>66</sup> Append. N<sup>o</sup> 3.



adorned and enriched their own. By these means, the Anglo-Saxon tongue was greatly changed before the end of this period, and the language of the best writers approached much nearer to modern English than that of Robert of Gloucester, and others who flourished in the thirteenth century.

It must, however, be confessed that the English of the fourteenth century was still so different from that of the eighteenth, that a mere English reader cannot always understand it without a glossary. The mode of spelling was unsettled, and very different from the modern. In general, they delighted much in vowels, and avoided the multiplication of consonants more carefully than we do at present. Many words were then in common use, and perfectly well understood, which are now become obsolete, and consequently unintelligible to the bulk of readers. The meaning of several words was very different then from what it is at present. A knave, for example, sometimes signified a male in opposition to a female ;—“ The time is come, and a “ knave child she bare<sup>67</sup> :” but most frequently a servant, in opposition to a freeman. Its modern meaning is well known. The poets of those times used extraordinary freedoms (which would not be now allowed) in shortening, lengthening, dividing, uniting, and changing words to fit them for their purposes ; which renders their language

Very different from modern English.

<sup>67</sup> Chaucer, p. 50.

obscure and difficult to a modern reader. The above observations might have been confirmed and illustrated by examples; but that would have been tedious, and too minute for general history. The truth of them is well known to all who are in the least acquainted with the authors of those times.

Different  
dialects.

Various dialects and different modes of pronouncing the English of this period prevailed in different districts: "Hit semeth a grete wonder that Englyssmen have so grete dyversyte in theyr owin langage in sowne and in spekyin of it, which is all in one ilonde<sup>68</sup>." If we may form a judgment of these modes of pronunciation from the words used by a contemporary writer in describing them, they were harsh enough: "Some use straunge wlassing, chytryng, harring, garryng, and gryfbyting.—The langage of the Northumbres, and specyally at Yorke, is so sharpe, flytting, frotyng, and unshape, that we fothern men maye unneth understande that langage."<sup>69</sup>

Dress.

The extravagancies of dress and follies of fashion have been subjects of complaint and satire in every age, and in none more justly than the period we are now delineating. In the remaining monuments of those times, we meet with many descriptions of the splendid expensive dresses of the great, and many complaints of the ridiculous, deforming, inconvenient fashions adopted by per-

<sup>68</sup> Trevisa, l. i. fol. 55.

<sup>69</sup> Id. *ibid*.

sons of all ranks. The magnificent costly dresses of the barons and knights who attended the marriage of Alexander III. King of Scotland, and Margaret, eldest daughter of Henry III., at York, A. D. 1251., are thus mentioned by Matthew Paris, who was present at that solemnity: "The royal marriage was solemnized privately, and very early in the morning, to avoid being incommoded by the multitudes of nobles of England, France, Scotland, and other countries, who were then in York, and ardently desired to see it. It would raise the surprise and indignation of my readers to the highest pitch, if I attempted to describe at full length the wantonness, pride, and vanity, which the nobles displayed on this occasion, in the richness and variety of their dresses, and the many fantastical ornaments with which they were adorned. To mention only one particular:—The King of England was attended on the day of the marriage by a thousand knights, uniformly dressed in silk robes, which we call *cointoises*; and the next day these knights appeared in new dresses, no less splendid and expensive<sup>70</sup>." This taste for too great expence in dress was not peculiar to the great, but infected all the different ranks in society. For though there might be some exaggeration, there was certainly also some truth, in the passage already quoted from the monk of Malmibury, in his Life of Edward II.,—"the squire endeavours

<sup>70</sup> M. Paris, p. 555.

“ to outshine the knight, the knight the baron,  
 “ the baron the earl, the earl the king, in drefs”. ”  
 The clergy were no less vain and extravagant in  
 their drefs than the laity—

They hie on horse willeth to ride,  
 In glitterande golde of grete arai,  
 Painted and portrid all in pride,  
 No common knight maie go so gaie ;  
 Chaunge of clothing every daie,  
 With golden girdels grete and small.

Miters thei werin mo than two,  
 Iperlid as the quen'is hedde,  
 A staff of gold, and pirrie lo !  
 As hewie as it were made of ledde,  
 With clothe of golde both newe and redde.”

This humour increased remarkably in the reign  
 of Edward III. “ In this year, 1348. (writes an  
 “ annalist of those times), England enjoyed great  
 “ prosperity, plenty, and tranquillity, in conse-  
 “ quence of her many victories. Such quantities  
 “ of furred garments, fine linens, jewels, gold,  
 “ and silver plate, rich furniture and utensils, the  
 “ spoils of Caen, Calais, and other foreign cities,  
 “ were imported, that every woman of rank ob-  
 “ tained a share of them, and they were seen in  
 “ every mansion. Then the ladies of England  
 “ became proud and vain in their attire, and  
 “ were as much elated by the acquisition of all  
 “ that finery as the ladies of France were de-  
 “ jected by the loss of it.”<sup>73</sup>

<sup>71</sup> Mon. Malmf. p. 153.

<sup>72</sup> T. Walsing. p. 168.

<sup>73</sup> Chancer's Works, p. 179.

At length the legislature found it necessary to interpose, by making sumptuary laws, for regulating the dress of all ranks of people, in a parliament held at Westminster A.D. 1363. In the preamble of these laws they are said to have been made,—“to prevent that destruction and poverty with which the whole kingdom was threatened, by the outrageous excessive expences of many persons in their apparel, above their ranks and fortunes.”<sup>74</sup>

Regulated  
by law.

But these laws seem to have had little or no effect. In the reign of Richard II. extravagance in dress became greater, and more universal, than it had ever been in any former period. “At this time (1388.) the vanity of the common people in their dress was so great, that it was impossible to distinguish the rich from the poor, the high from the low, the clergy from the laity, by their appearance. Fashions were continually changing, and every one endeavoured to outshine his neighbour by the richness of his dress or the novelty of its form.”<sup>75</sup> This was partly owing to the example of the King, who was exceedingly fond of pomp, and so expensive in his dress, that he had one coat which cost him thirty thousand marks<sup>76</sup>: an immense sum in those times. The King was imitated by his courtiers, and some of them even exceeded him in the splendour and variety of their dresses.

These  
laws had  
little effect.

<sup>74</sup> Statutes at Large, tom. 1. p. 315.

<sup>75</sup> Knighton, col. 2729.

<sup>76</sup> Holing. Chron. p. 1110.

Sir John Arundel, it is said, had no fewer than fifty-two complete suits of cloth of gold<sup>77</sup>. This extravagance descended from one rank to another till it reached the very lowest of the people.

Fashions.

The writers of this period complain as much of the fashions as of the too great expence of dress. These fashions frequently changed; and some of them appear to have been very fantastical, inconvenient, and indecent. “The Englishmen  
 “haunted so moche unto the foyle of strawngers,  
 “that every yire thei chawnged them in divirle  
 “schappes and disgiffinggs of clothingge; now  
 “longe, now large, now wide, now straite; and  
 “every day clothingges newe, and destitute and  
 “disirte from alle honeste off old array, and  
 “gode usage; and another tyme to schorte  
 “clothes and streite waisted, with full slives,  
 “and tapetis of curtotes, and hodes over longge  
 “and large, alle to nagged and knet on every  
 “side, and alle to flatteredde, and also botte-  
 “nedde, that iff I weth shall sey, they weren  
 “more lyke to turmentours and deviles in their  
 “clothingge, and also in their schoying (shoeing),  
 “and other aray, than they semed to be lyke  
 “men. And thette the wemmenne weren more  
 “nycely arraiedde, and passed the menne in alle  
 “maner of araies and curious clothing.”<sup>78</sup> Geoffrey Chaucer’s account of the dresses of his age is not more favourable. “Alas! may not a man

<sup>77</sup> Holing. Chron. p. 1015.

<sup>78</sup> Douglas, Monk of Glassenbury, apud Strutt, vol. 1. p. 83.

“ si as in our daies the finnefull costlewe arraie  
 “ of clothing, and namely in to moche superfluite,  
 “ or, else in to subordinate scantineffe? As to the  
 “ first,—Superfluite in clothing, that maketh it  
 “ so dire, to the harme of the peple, not only  
 “ the cost of embrowdering, the disguised in-  
 “ denting or barring, oundling, paling, winding,  
 “ or binding and semblable wast of clothe, in  
 “ vanite; but there is also the costlewe furring  
 “ in ther gounes, so much pouncing of chesel  
 “ to make holes, so moche dagging with shires  
 “ foorth, with the superfluite in length of the  
 “ forsaied gounes, trailing in the dong and in the  
 “ mire, on horse and also on fote, as well of  
 “ man as of woman.—Upon that other side,  
 “ to speke of the horrible disordinate scantness  
 “ of clothing, as ben these cuttid sloppes or  
 “ handselines (breeches), that through ther  
 “ shortness cover not the shamefull members of  
 “ manne, to wicked intent. Alas! some of hem  
 “ skewe the bosse of ther shape, and the horrible  
 “ swole members, in the wrapping of ther hosen,  
 “ and also the buttokes of them, as farre as it  
 “ were the hinder parte of a she ape in the full  
 “ of the mone.—Now as to the outrageous  
 “ aray of women, God wote, that though the  
 “ visages of some of hem seme full chaste and  
 “ debonaire, yet notify in ther aray or attire  
 “ licoroufness and pride.”<sup>79</sup> Some other parts  
 of this description are too indelicate to be ad-

<sup>79</sup> Chaucer's Works, by Urry, p. 198.

mitted into this work. Petrarch expressed his disapprobation of the dresses of his time in still stronger terms, in a letter to the Pope A.D. 1366:

“ Who can see with patience the monstrous fantastical fashions which the people of our times have invented to deform, rather than adorn, their persons? Who can behold without indignation their long-pointed shoes;—their caps with feathers;—their hair twisted, and hanging down like tails;—the foreheads of young men, as well as women, formed into a kind of furrows with ivory headed pins;—their bellies so cruelly squeezed with cords, that they suffer as much pain from vanity, as the martyrs suffered for religion;—and especially those indecent parts of their dress which are extremely offensive to every modest eye? Our ancestors would not have believed, and I know not if our posterity will believe, that it was possible for the wit of this vain generation of ours to invent so many base, barbarous, horrid, ridiculous fashions (besides those already mentioned), to disfigure and disgrace itself, as we have the mortification to see every day.”<sup>80</sup>

Long-pointed shoes.

These strictures on the dresses of this period (to which others might be added) are indeed severe; but a slight attention to a few of the inconvenient, ridiculous, indecent modes which then prevailed, will convince us that they were not unjust. What could be more inconvenient than

<sup>80</sup> Opera Petrarci, edit. Basil. p. 812.

their



their long-pointed shoes, with which they could not walk till they were fastened to their knees with chains<sup>21</sup>? The upper parts of these shoes were cut in imitation of a church window. Chaucer's spruce Parish Clerk Absolom,

Had Paul is windowes corven on his shofe.<sup>22</sup>

These shoes were called *crackowes*; and continued in fashion about three centuries, in spite of the bulls of popes, the decrees of councils, and the declamations of the clergy against them.

What could exhibit a more fantastical appearance than an English beau of the fourteenth century? He wore long-pointed shoes, fastened to his knees by gold or silver chains; hose of one colour on one leg, and of another colour on the other; short breeches, which did not reach to the middle of his thighs, and disclosed the shape of all the parts included in them; a coat, one half white, and the other half black or blue; a long beard; a silk hood buttoned under his chin, embroidered with grotesque figures of animals, dancing men, &c. and sometimes ornamented with gold, silver, and precious stones<sup>23</sup>. This dress, which was the very top of the mode in the reign of Edward III., appeared so ridiculous to the Scots (who probably could not afford to be such egregious fops) that they made the following satirical verses upon it.

Descrip-  
tion of a  
beau of  
the four-  
teenth  
century.

<sup>21</sup> Camden's Remains, p. 295.

<sup>22</sup> Chaucer's Works, p. 26.

<sup>23</sup> Camden's Remains, p. 194, &c. Strutt, vol. 2. p. 83, &c.

Long beards hireless,  
 Peynted whoods whities,  
 Gay cotes gracelies,  
 Maketh Englonð thriftelies.

Female  
 dress.

The dress of the gay and fashionable ladies who frequented the public diversions of those times was not more decent or becoming. It is thus described by Knyghton A.D. 1348.: "These tournaments are attended by many ladies of the first rank and greatest beauty, but not always of the most untainted reputation. These ladies are dressed in party-coloured tunics, one half being of one colour, and the other half of another; their lirrripes or tip-pets are very short; their caps remarkably little, and wrapt about their heads with cords; their girdles and pouches are ornamented with gold and silver; and they wear short swords, called *daggers*, before them, a little below their navels: they are mounted on the finest horses, with the richest furniture. Thus equipped, they ride from place to place, in quest of tournaments, by which they dissipate their fortunes, and sometimes ruin their reputations<sup>4</sup>." The head-dresses of the ladies underwent many changes in the course of this period: They were sometimes enormously high, rising almost three feet above the head, in the shape of sugar-loaves, with streamers of fine silk flowing from the top of them to the ground<sup>5</sup>.

<sup>4</sup> Knyghton, col. 2597.

<sup>5</sup> Montfaucon *Monumens de la Monarchie François*, tom. 2. p. 234. 256.

Upon

Upon the whole, I am fully persuaded, that we have no good reason to pay any compliments to our ancestors of this period, at the expence of our contemporaries, either for the frugality, elegance, or decency, of their drefs.

The common people in Wales (where the arts Drefs of  
the Welch. had made little progress) were very imperfectly clothed in this period. The Welchmen in the army of Edward II. were known, in their flight from the battle of Bannockburn, by the meanness of their drefs.

Sir Maurice also, the Barclay,  
Fra the great battle held his way,  
With a great rout of Walishmen,  
Where'er they yied men might them ken;  
For they well near all naked were,  
Or linen clothis had but mare.<sup>86</sup>

We have no reason to suppose, that the common people in the highlands of Scotland (where the arts were as imperfect as in Wales) were better clothed than the Welch. The Scots in the low country imitated the drefs and fashions of the French and English, as their circumstances and knowledge of the arts permitted. Matthew Paris, who was present at the splendid marriage of Alexander III. with the Princess Margaret of England, at York, A.D. 1251., acquaints us, that about sixty barons and knights, and many other gentlemen, who attended the young King of Scotland on that occasion, were elegantly dressed.<sup>87</sup>

<sup>86</sup> Barbour, p. 276.

<sup>87</sup> M. Paris, p. 555.

Diet.

The people of England, in this period, were not more moderate in their diet than in their dress; and the interposition of government was thought necessary to restrain them from excesses in the one as well as in the other. Edward II. issued a proclamation on this subject, A.D. 1216., to the following purpose: “ Edward, by the  
“ grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to the Sheriffs  
“ of London, witheth health. Whereas, by the  
“ outrageous and excessive multitude of meats  
“ and dishes which the great men of our kingdom have used, and still use, in their castles,  
“ and by persons of inferior rank imitating their  
“ example, beyond what their stations require,  
“ and their circumstances can afford, many great  
“ evils have come upon our kingdom, the health  
“ of our subjects hath been injured, their goods  
“ have been consumed, and they have been reduced to poverty: we, being willing to put a  
“ stop to these excesses, have, with the advice  
“ and consent of our council, made the following rules and ordinances,—*imo*, That the  
“ great men of our kingdom shall have only two  
“ courses of flesh meats served up to their tables,  
“ each course consisting only of two kinds of  
“ flesh meat, except prelates, earls, barons, and  
“ the greatest men of the land, who may have  
“ an intermeat of one kind, if they please. On  
“ fish days, they shall have only two courses of  
“ fish, each consisting of two kinds, with an intermeat of one kind, if they please. Such as  
“ transgress

“transgress this ordinance shall be severely punished.” This proclamation was issued in the time of a deplorable famine, and we may conclude, that, if the prelates and barons indulged themselves in so great a number and variety of dishes at their tables, when the poor were perishing for want around them, they would be still more profuse in times of plenty<sup>88</sup>. In the reign of Edward III. A.D. 1363., several sumptuary laws were made for regulating the dress and diet of persons of different ranks; and in particular, it was enacted, that the servants of gentlemen, merchants, and artificers, should have only one meal of flesh or fish in the day, and that their other meal should consist of milk, butter, cheese, and such other things as were suitable to their station<sup>89</sup>. But a contemporary historian assures us that these laws had no effect, though a severe famine raged at that time.<sup>91</sup>

The feasts in this period, at the coronation of kings, the installation of prelates, the marriages of great barons, and on some other occasions, were exceedingly profuse, the numbers of dishes served up, and of guests entertained, sometimes amounting to many thousands. The coronation-feast of Edward III. cost 2835l. 18s. 2d. equivalent to about 40,000l. of our money<sup>92</sup>. At the installation of Ralph Abbot of St. Augustine,

<sup>88</sup> Ryley's Pleadings in Parliament, p. 552.

<sup>89</sup> Monach. Malmf. Vita Ed. II. an. 1316. T. Walsing. p. 108.

<sup>90</sup> Statutes at Large, v. 1. p. 315.

<sup>91</sup> T. Walsing. p. 179.

<sup>92</sup> Annal. de Dunstap. p. 662.

Canterbury, A. D. 1309., six thousand guests were entertained with a dinner, consisting of three thousand dishes, which cost 287l. 5s. 0d. equal in efficacy to 4300l. in our times". "It would require a long treatise (says Matthew Paris) to describe the astonishing splendour, magnificence, and festivity with which the nuptials of Richard Earl of Cornwall, and Cincia daughter of Reimund Earl of Provence, were celebrated at London A. D. 1243. To give the reader some idea of it, in a few words, above thirty thousand dishes were served up at the marriage-dinner". The nuptials of Alexander III. of Scotland, and the Princess Margaret of England, were solemnized at York, A. D. 1251., with still greater pomp and profusion. "If I attempted (says the same historian) to display all the grandeur of this solemnity,—the numbers of the noble and illustrious guests,—the richness and variety of the dresses,—the sumptuousness of the feasts,—the multitudes of the minstrels, mimics, and others whose business it was to amuse and divert the company, those of my readers who were not present would imagine that I was imposing upon their credulity. The following particular will enable them to form a judgment of the whole. The Archbishop of York made the King of England a present of sixty fat oxen, which made only one article of

<sup>33</sup> Chron. W. Thorn. col. 2010.

<sup>34</sup> M. Paris, p. 411.

“ provision

“ provision for the marriage-feast, and were all  
 “ consumed at that entertainment.”<sup>95</sup>

The art of cookery was as much cultivated, Cookery.  
 and as much improved, in this period, as any of  
 the other arts. The cook in the Canterbury  
 Tales was no mean proficient in his profession :

A coke thei haddè with them for the nones,  
 To boyle the chickens and the marie-bones,  
 And pouder marchasnt, tarte, and galengale:  
 Well couth he know a draught of London ale.  
 He couth rostè, boillè, grillè, and frie,  
 And makè mortries, and well bake a pie.  
 For blank-manger that made he with the best.”<sup>96</sup>

Chaucer, in the Parson's Tale, complains of  
 the too laboured and artificial cookery of those  
 times: “ Pride of the table apereth also full ofte :  
 “ for certes riche men be called to festes, and  
 “ pore folke ben put away and rebuked. And  
 “ also in excess of divers metes and drinkes ;  
 “ and namely, such maner bake metes and dishe  
 “ metes brenning of wild fire, peynted and ca-  
 “ stelled with paper and samblable waste, so that  
 “ it is abusion to think.”

One of the most expensive singularities attend- Intermeats.  
 ing the royal feasts in this period consisted in what  
 they called intermeats. These were representa-  
 tions of battles, sieges, &c. introduced between  
 the courses, for the amusement of the guests.  
 The French excelled in exhibitions of this kind.  
 At a dinner given by Charles V. of France to the

<sup>95</sup> M. Paris, p. 555.

<sup>96</sup> Id. p. 198.

<sup>96</sup> Chaucer's Works, p. 4.

Emperor Charles IV. A. D. 1378., the following intermeat was exhibited. A ship with masts, sails, and rigging, was seen first; she had for colours the arms of the city of Jerusalem; Godfrey de Bouillon appeared upon deck, accompanied by several knights armed cap-a-pee: the ship advanced into the middle of the hall, without the machine which moved it being perceptible. Then the city of Jerusalem appeared, with all its towers lined with Saracens. The ship approached the city; the Christians landed, and began the assault; the besieged made a good defence: several scaling-ladders were thrown down; but at length the city was taken<sup>98</sup>. Intermeats at ordinary banquets consisted of certain delicate dishes, introduced between the courses, and designed rather for gratifying the taste than for satisfying hunger.<sup>99</sup>

#### Drinks.

Persons of rank and fortune, in this period, indulged themselves in a very liberal use of a variety of liquors. Ale and cyder were the most common drinks of the people of England<sup>100</sup>. But besides these, great quantities of wines of various kinds were imported. The following lines of a poet who wrote in this period, contain an ample enumeration of the wines then known and used in England:

Ye shall have rhenet and malsepine,  
Both yprocasse and vernage wyne;

<sup>98</sup> *Essays on Paris*, vol. 2. p. 71.

<sup>99</sup> *Ryley's Placita Parliamentaria*, p. 552.

<sup>100</sup> *Opera Petrarchi*, tom. 3. p. 3.



Montrose and wyne of Greke,  
 Both algrade and despice eke,  
 Antioche and bastarde,  
 Pymment also, and garnarde,  
 Wine of Greke and Muscadell,  
 Both clare, pymment, and rochell.<sup>101</sup>

Some of these liquors, as ypocras, pymment, and claret, were compounded of wine, honey, and spices of different kinds, and in different proportions. These were considered as delicacies, and were chiefly used by persons of the highest rank. This appears from the following precepts of Henry III. "We hereby command you, the keepers of our wines at Winchester, to deliver to Robert de Monte Pessulano, such wines, and in such quantities as he shall require, of our wines in your custody, to make delicate and precious drinks for our own use. Witness, the king, at Lutegarshall, 26th November 1250." The other precept contains a more particular description of these delicate drinks: "We hereby command you, the keepers of our wines at York, that of the best wines in your custody, you deliver to Robert de Monte Pessulano two tons of white wine to make garbionilac, and one ton of red wine to make claret for our own use at the approaching feast of Christmas. We command also the said Robert to go with all speed to York, to make the said garbionilac and claret, as he used to do in former years."<sup>102</sup>

<sup>101</sup> Warton's Hist. Poet. vol. 1. p. 177.

<sup>102</sup> Walpole's Anecdotes of Painting, vol. 1. p. 6.

In our present period, people of all ranks made only two stated meals a-day, dinner and supper, the former in the forenoon, the latter in the evening. When Henry Duke of Lancaster took Richard II. prisoner in Flint castle, on the morning of August 20. A. D. 1399., he asked the King, Hath Your Majesty broke your fast? To which Richard answered, I have not, for it is too early in the morning. The Duke then said, I entreat you to dine immediately; for you have a long journey to go: and the King, after some hesitation, commanded the table to be covered, and made a short dinner<sup>103</sup>. These two meals, and the times at which they were taken, are mentioned in the following lines of Chaucer:

For every day, when Beryn rose, unwash he wold dyne,  
And draw hym to his feleship, as even as a lyne,  
And then come home, and ete and soop, and slepe al nyht.<sup>104</sup>

The  
wines.

Kings, princes, and other persons of high rank and great fortunes, commonly took a kind of collation immediately before they went to bed, called *the wines*, consisting of delicate cakes and wine warmed and mixed with certain spices. Sir John Froissart reckoned it a piece of great good fortune, that he had spent the greatest part of his life in the courts of princes, and thereby had an opportunity of receiving *the wines*, which had contributed much to his comfort and repose.

<sup>103</sup> Froissart, tom. 4. ch. 110.

<sup>104</sup> Chaucer's Works, p. 603. col. 1.

The

The wines were sometimes given immediately after dinner; and at the ceremonious visits of the great at any hour<sup>105</sup>. The following lines contain an enumeration of some of the spices known and used in this period:

There was ike wexing many a spice,  
As clowe, gilofre, and licorice,  
Gingiber, and grein de Paris,  
Canell at setewale of pris,  
And many a spice delitable  
To eten whan men rise fro table.<sup>106</sup>

The prevailing amusements of the people of Diversions. Britain of all ranks, in this period, appear to have been nearly the same with those of their ancestors in the former period, which have been already described. Some of the favourite diversions of the common people of England are mentioned in a proclamation of Edward III. A. D. 1363., and prohibited, because they prevented them from exercising archery. "In former times the people of our kingdom, at their hours of play, commonly exercised themselves in archery, from which we derived both honour and advantage. But now that art is neglected, and the people spend their time in throwing stones, wood, or iron; in playing at the hand-ball, foot-ball, or club-ball; in bull-baiting and cock-fighting, or in more useless and dishonest games<sup>107</sup>." A

<sup>105</sup> Froissart, tom. 2. chap. 81. tom. 3. ch. 59. 84.

<sup>106</sup> Chaucer's Works, p. 224. col. 2.

<sup>107</sup> Rym. Feed. tom. 6. p. 417.

similar

similar proclamation was issued two years after, in which the same games are mentioned<sup>108</sup>. Wrestling for a ram is described by Chaucer, and seems to have been a common diversion in those times<sup>109</sup>. A famous wrestling match, A.D. 1222., between the citizens of London on one side, and the inhabitants of Westminster and the neighbouring country on the other, for a ram, terminated in a real battle, in which much blood was spilt, and the Londoners were put to flight<sup>110</sup>. By dishonest games, in the proclamations of Edward III. we are probably to understand such games of chance as cross and pile, &c. to which the common people, and some of their superiors, were even then too much addicted. That weak and frivolous prince, Edward II. spent both his time and money in these trifling amusements, as appears from the following curious articles of account: "Item, Paid there to Henry, the King's barber, for money which he lent to the King to play at cross and pile, five shillings. Item, paid there to Pires Bernard, usher of the King's chamber, money which he lent to the King, and which he lost at cross and pile to Monsieur Robert Wattewille, eight pence."<sup>111</sup>

Tourna-  
ments.

As a general account of tournaments, the favourite diversions of the great and brave in the middle ages, hath been already given, a brief de-

<sup>108</sup> Rym. Fœd. tom. 6. p. 468.

<sup>109</sup> Chaucer's Works, p. 5. 40.

<sup>110</sup> M. Paris, ad ann. 1222.

<sup>111</sup> Antiquarian Repertory, vol. 2. p. 58.

scription of one, out of many that were celebrated in Britain in this period, will be sufficient to give the reader a distinct idea of those renowned amusements. For this purpose I shall make choice of that which was held at London in October A. D. 1389.<sup>112</sup> Richard II. his three uncles, and his great barons, having heard of a famous tournament at Paris, at the entry of Isabel Queen of France, resolved to hold one of equal splendour at London, in which sixty English knights, conducted to the scene of action by sixty ladies, should challenge all foreign knights. They sent heralds into all parts of England, Scotland, Germany, Italy, Flanders, Brabant, Hainault, and France, to proclaim the time, place, and other circumstances of the intended tournament, and to invite all valorous knights and squires to honour it with their presence. This (says the historian) excited a vehement desire in the knights and squires of all these countries to go to this tournament, some to see the manners and equipages of the English, and others to tourney. In the mean time, the lists were prepared in Smithfield, and chambers erected around them, for the accommodation of the King, Queen, princes, lords, ladies, heralds, and other spectators. When the time approached, prodigious numbers of great persons of both sexes, attended by numerous retinues, arrived in London. On the first Sunday of October, which was the first day of

<sup>112</sup> See vol. 6. p. 368, &c.

the tournament, between two and three o'clock in the afternoon, sixty fine horses, with rich furniture, for the jousts, issued one by one from the tower, each conducted by a squire of honour, and proceeded in a slow pace through the streets of London to Smithfield, attended by a numerous band of trumpeters and other minstrels. Immediately after, sixty young ladies, richly dressed, riding on palfries, issued from the same place, and each lady leading a knight completely armed, by a silver chain, they proceeded slowly to the field. When they arrived there, the ladies were lifted from their palfries, and conducted to the chambers provided for them; the knights mounted their horses, and began the jousts, in which they exhibited such feats of valour and dexterity, as excited the admiration of the spectators. When the approach of night put an end to the jousts, the company repaired to the palace of the Bishop of London, in St. Paul's street, where the King and Queen then resided, and the supper was prepared. The ladies, knights, and heralds, who had been appointed judges, gave one of the prizes, a crown of gold, to the Earl of St. Paul, as the best performer among the foreign knights, and the other a rich girdle, adorned with gold and precious stones, to the Earl of Huntington, as the best performer of the English. After a sumptuous supper, the ladies and knights spent the whole night in dancing. The tournaments, with nearly the same solemnities, were continued on Monday, Tuesday, Wednesday, Thursday, and Friday.

Friday. On Saturday, the court, with all the company, removed to Windsor, where the jousts, feasting, and other diversions, were renewed, and lasted several days. At length the King, having presented the foreign ladies, lords, and knights, with valuable gifts, they returned to their several countries, highly pleased with the entertainment they had received.<sup>113</sup> This was evidently more splendid and more expensive than any of the diversions of the present age. These tournaments were admirably calculated to inflame the young nobility and gentry with an ardent desire of excelling in martial exercises, as they gave them an opportunity of displaying their accomplishments in the most public manner, and thereby acquiring the applause of the great and the favour of the fair.

Dancing was a favourite diversion on all festive occasions in this period; and persons of the highest rank and gravest characters did not disdain to mingle in the dance. It appears, from the record of the coronation of Richard II. that after the coronation-dinner, the King, prelates, nobles, knights, and the rest of the company, spent the afternoon in dancing in Westminster-hall, to the music of the minstrels.<sup>114</sup> Dancing.

Mummeries and disguisings, the masquerades of the middle ages, were introduced in this period. They are mentioned by Matthew Paris, in his account of the marriage of Alexander III. Disguisings.

<sup>113</sup> Froissart, tom. 4. p. 90.

<sup>114</sup> Rym. Fœd. tom. 7. p. 160. col. 2.

of cotland, with the Princess of England, at York, A. D. 1252., and made commonly a part of the diversions at the great festivals in the courts of kings in those times<sup>115</sup>. In the year 1348., eighty tunics of buckram, forty-two visors, and a great variety of other whimsical dresses, were provided for the disguisings at court, at the feast of Christmas<sup>116</sup>. A most magnificent mummer or disguising was exhibited by the citizens of London, A. D. 1377., for the amusement of Richard Prince of Wales, in which no fewer than one hundred and thirty persons were disguised<sup>117</sup>. A most fatal accident happened at one of these mummeries at the court of France, A. D. 1388. Charles VI. who was then young and frolicsome, and five young noblemen, appeared like savage men, clothed in robes of linen, exactly fitted to their bodies, covered from head to foot, with a representation of long hair, made of linen threads fixed to their linen robes with pitch. A flambeaux accidentally set fire to the counterfeit hair of one of these seeming savages, and in a moment, five of them, who were near each other, were all in flames. Four of them were burnt to death, and the fifth preserved his life by throwing himself into a large vessel full of water, which happened to be near: the King was saved by being fortunately at a little distance<sup>118</sup>. At these great festivals,

<sup>115</sup> M. Paris, ad an. 1252.

<sup>116</sup> Warton Hist. Poet. v. i. p. 238.

<sup>117</sup> Stow's Survey of London, p. 71. quarto, A. D. 1599.

<sup>118</sup> Froissart, tom. 4. ch. 52.



the whole company sometimes wore masks; and on these occasions no great regard, it is said, was paid to decency.<sup>119</sup>

Pageants, at the triumphant entries of princes Pageants.  
into their capitals, were not unknown in this period. The citizens of London expended great sums on pageants, as well as in presents, at the public entry of Richard II. and his queen, A. D. 1392.<sup>120</sup> Those exhibited at Paris, at the entry of Isabel of Bavaria, queen to Charles VI., were numerous and magnificent, but strongly tinged with the gross superstition of the age. When the Queen approached the gate of St. Dennis in her litter, she beheld a representation of heaven, with clouds and stars, and many children, in imitation of angels, singing most melodiously, and in the midst of them an image of the Virgin Mary, with the infant in her arms, playing with a little mill made of a large nut. At the next gate she beheld another heaven, more glorious than the first, in which were many angels singing, and an image of God the Father, Son, and Holy Ghost, sitting in majesty on his throne. When she came near the gate two angels descended and placed a crown of gold, adorned with precious stones, upon her head, and then ascended, singing certain verses in her praise.<sup>121</sup>

At grand festivals, the palaces of princes, and Multitude  
of min-  
strels, &c.  
the castles of great barons, were crowded with hundreds of minstrels, mimicks, jugglers, tum-

<sup>119</sup> *Memoires sur Chevalerie*, tom. 2. p. 68.

<sup>120</sup> *Knyghton*, col. 2740.

<sup>121</sup> *Froissart*, tom. 4. ch. 2.

blers, rope-dancers, &c. who exhibited, in their different ways, for the amusement of the company. Some of their exhibitions were abundantly ridiculous. At one time, for example, a horse danced upon a rope, and two oxen rode upon horses, and sounded trumpets.<sup>122</sup>

Sports of  
the field.

The fondness of princes, nobles, and gentlemen for the sports of the field, was as great in this as it had been in the former period. These sports were the chief joy and business of their lives; horses, hounds, and hawks, were the favourite topics of their conversation; and some of them, we are told, kept no fewer than sixteen hundred dogs for the chase<sup>123</sup>. A royal hunting was as splendid, and almost as expensive, as a royal tournament. When the kings of France, Scotland, and Cyprus were in England, A.D. 1363., Edward III. proclaimed a royal hunting, to which he invited those kings, all the French hostages, and all his own nobility. If we reflect on the number and quality of the persons invited, the greatness of their retinues, and their fondness of this kind of sport, we may form some idea of the magnificence of this hunting. The scenes of this famous sport were the forests of Rogyngan, Clyne, Schyrewood, and several other forests, woods, and chaces, from which we may conclude, that it continued a considerable time<sup>124</sup>. Wolves were not extirpated out of England so early as is commonly believed. This

<sup>122</sup> *Memoires sur Chevalerie*, tom. I. p. 247. M. Paris. an. 1236.

<sup>123</sup> *Freidart*, tom. 4. ch. 27.

<sup>124</sup> *Knyghton*, col. 2627.

appears

appears from a commission granted by Edward I. A.D. 1281., to his faithful and well-beloved servant Peter Corbet, to hunt and destroy all the wolves he could find in the counties of Gloucester, Worcester, Hereford, Salop, and Stafford.<sup>125</sup>

There is sufficient evidence, that certain amusements or sports, which are called by the historians of those times *theatrical*, where known and admired in this period. The monk of Malmesbury, who wrote the life of Edward II., acquaints us, that Walter Reynolds, made Archbishop of Canterbury A.D. 1214., was not a man of much learning; but that he had gained the favour of the King by his great skill in theatrical plays, of which he was superintendant<sup>126</sup>. But those theatrical exhibitions were probably no other than the awkward representations of scripture-histories, which were called *mysteries* and *miracles*, and have been already described<sup>127</sup>. These mysteries were originally a kind of religious, or rather superstitious ceremonies, exhibited in monasteries and churches, by the monks and clergy; but they afterwards became also secular amusements, and were acted by the laity. The most interesting historical passages, both of the Old and New Testament, were represented, at Chester, A.D. 1327., at the expence of the different incorporated companies of that city, and probably by the members of these companies and their servants. In the mystery of the crea-

Theatrical  
diversions.

<sup>125</sup> Rym. Fœd. tom. 2. p. 168.

<sup>126</sup> Monach. Malmf. Vit. Ed. II. p. 142.

<sup>127</sup> See vol. 6. p. 374.

tion, which was acted by the drapers, the persons who represented Adam and Eve appeared quite naked, without blushing themselves, or giving any offence to the spectators<sup>128</sup>. The mystery of the deluge, which was acted by the dyers, contained a violent altercation between Noah and his wife, who absolutely refused to enter the ark; and when she was forced into it, gave her husband a hearty blow on the ear<sup>129</sup>. Moralities were a kind of interludes, in which the virtues and vices, the human faculties and passions, &c. were personified, and speeches formed for them, illustrating and recommending a certain moral.

Tragedies  
and comedies.

The words *comedy* and *tragedy* occur in some of the authors of this period: but it plainly appears, that by comedies they meant only pleasant facetious stories, calculated to produce laughter: and by tragedies, tales of woe, adapted to excite terror, grief, and pity. Many of Chaucer's Canterbury Tales are in the facetious strain, and are therefore called comedies; some of them are mournful stories, and are called tragedies. He gives this last name to his poem of Troilus and Cressida:

Go, litil boke, go, litil tragedie,  
There God my makir yet er that I die,  
So sende me might to make some comedie.<sup>130</sup>

Tragedy is thus described by Chaucer's monk in the prologue to his tale:

<sup>128</sup> Warton, Hist. Poet. vol. 1. p. 243.

<sup>129</sup> Id. vol. 2. p. 179.

<sup>130</sup> Chaucer's Works, p. 332.

Tragidy

Tragidy is to tell a certaine story,  
 As olde bokis makin ofte memory,  
 Of 'hem that fode in grete prosperity,  
 And be fallin out of ther his degre  
 In to misery, and endid wretchedly;  
 And thei ben verifiyd comenly,  
 Of fixe fete, whiche men clepen hexametron:  
 In prose eke ben enditid many one,  
 And in metre, many a fondry wife,  
 Lo! this ought enough you for to suffice.<sup>131</sup>

The monk proposid to tell a few tragedies, of which he had one hundred in his cell; and his tale accordingly consists of seventeen short stories of persons who had fallen from great prosperity into great adversity.

Tragetours, as they were then called, or jugglers, contributed to the amusement of those who could afford to pay them for their exhibitions, which tended to excite surprise and admiration, by certain tricks and appearances which imposed upon the senses of the spectators. Several of these exhibitions are described by Chaucer, of which it will be sufficient to produce one example:

For I am fikir there be sciences,  
 By whiche men make divers aparences,  
 Soche as thesre sotill tragetores plaie;  
 For oft at festis have I well herd saie,  
 That tragitors within an halle large,  
 Have made to come in watir and a barge,  
 And in the halle rowin up and down;  
 Sometime hath semid come a grim lioun:

<sup>131</sup> Chaucer's Works, p. 161.

And sometime flouris spring as in a mede :  
 Sometime a vine, and grapis white and rede ;  
 Sometime a castil alle of lime and stone,  
 And whan 'hem likid vordis 'hem anon ;  
 Thus semid it to every man's fight.<sup>132</sup>

Games of  
 chance.

Games of chance appear to have been nearly the same in this and the preceding period, and to have been pursued with equal ardour in both. Cards, which have long been the chief instruments of gaming, both for gain and for amusement, were invented towards the conclusion of the fourteenth century, by Jaquemin Gringonneur, a painter in Paris ; but as I have met with no evidence that they were used in Britain before the end of our present period, their history must be referred to the seventh chapter of the fifth book of this work.<sup>133</sup>

<sup>132</sup> Chaucer's Works, p. 110, 111.

<sup>133</sup> Essays upon Paris, vol. I. p. 228.

# APPENDIX

TO THE

## FOURTH BOOK.

---

### NUMBER I.

Magna Carta Regis Henrici III. xii die Novembris MCCXVI., anno regni i.

**H**ENRICUS Dei Gratia Rex Anglie Dominus Hybernie Dux Normannie Aquitanie et comes Andegavie archiepiscopis episcopis abbatibus comitibus baronibus justiciariis forestariis vicecomitibus prepositis ministris ballivis et omnibus fidelibus suis salutem Sciatis non intuitu Dei et pro salute anime nostre et omnium antecessorum et successorum nostrorum ad honorem Dei et exaltationem sancte ecclesie et emendationem regni nostri per consilium venerabilium patrum nostrorum domini Gualonis titulo sancti Martini presbiteri cardinalis apostolie sedatis legati Petri Wint' R. de sancto Asapho J. Bathon' et Glafton' S. Exon' R. Cicestr' W. Coventr' B. Roff' H. Landav' Menevens' Bangor' et S. Wygorn' episcoporum et nobilium virorum Willielmi Marecalli' comitis Penbroc' Ranulfi comitis Cestr' Willielmi de Ferrar' comitis Dereb' Willielmi comitis Albemarle Huberti de Burgo justiciarii nostri Savarici de Malo Leone Willielmi Brigwerr' patris Willielmi

No. I.

- Willielmi Brigwerr' filii Roberti de Curtenai Falkefii de Breante Reginaldi de Vautort Walteri de Lafcy Hugonis de Mortuo Mari Johannis de Monemute Walteri de Bello Campo Walteri de Clifford Roberti de Mortuo Mari Willielmi de Cantilup' Mathei filii Hereberti Johannis Mariscalli Alani Basset Philippi de Albiniaco Johannis
- 1 Extranei et aliorum fidelium nostrorum Inprimis concessisse Deo et hac presenti carta nostra confirmasse pro nobis et heredibus nostris inperpetuum quod Anglicana ecclesia libera sit et habeat jura sua integra et libertates suas illesas Concessimus etiam omnibus liberis hominibus regni nostri pro nobis et heredibus nostris inperpetuum
  - 2 omnes libertates subscriptas habendas et tenendas eis et heredibus suis de nobis et heredibus nostris Si quis comitum vel baronum nostrorum sive aliorum tenentium de nobis in capite per servitium militare mortuus fuerit et cum decesserit heres suus plene etatis fuerit et relevium debeat habeat hereditatem suam per antiquum relevium scilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de baronia integra per centum libras heres vel heredes militis de feodo militis integro per centum solidos ad plus et qui minus debuerit minus det secundum antiquam consuetudinem feodorum
  - 3 Si autem heres alicujus talium fuerit infra etatem dominus ejus non habeat custodiam ejus nec terre sue antiquam homagium ejus ceperit et postquam talis heres fuerit in custodia cum ad etatem pervenerit scilicet viginti unius ann' habeat hereditatem suam sine relevio et sine fine ita tamen quod si ipse dum infra etatem fuerit fiat miles nichilominus terra remaneat in custodia domini sui usque
  - 4 ad terminum predictum. Custos terre hujusmodi heredibus qui infra etatem fuerit non capiat de terra heredis nisi rationabiles exitus et rationabiles consuetudines et rationalia servicia et hoc sine destructione et vasto hominum vel rerum et si nos commiserimus custodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus terre illius nobis



nobis respondere debeat et ille destructionem de custodia fecerit vel vastum nos ab illo capiemus emendam et terra committatur duobus legalibus et discretis hominibus de feodo illo qui de exitibus nobis respondeant vel ei cui illos assignaverimus et si dederimus vel vendiderimus alicui custodiam alicujus talis terre et ille destructionem inde fecerit vel vastum amittat ipsam custodiam et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis respondeant sicut predictum est Custos autem quamdiu custodiam terre habuerit sustentet domos parcos vivarios stagna molendina et cetera ad illam terram pertinentia de exitibus terre ejusdem et reddat heredi cum ad plenam etatem pervenerit terram suam totam instauratam de carrucis et omnibus aliis rebus ad minus secundum quod illam recepit Hec omnia observentur de custodiis archiepiscopatum episcopatum abbatiarum prioratum ecclesiarum et dignitatum vacantium excepto quod custodie hujusmodi vendi non debent Heredes maritentur absque disparagatione. Vidua post mortem mariti sui statim et sine difficultate aliqua habeat maritagium suum et hereditatem suam nec aliquid det pro dote sua vel pro maritagio vel hereditate sua quam hereditatem maritus suus et ipsa tenuerint die obitus ipsius mariti et maneat in domo mariti sui per quadraginta dies post mortem ipsius mariti sui infra quos ei assignetur dos sua nisi prius ei fuerit assignata vel nisi domus illa sit castrum et si de castro recesserit statim provideatur ei domus competens in qua possit honeste morari quousque dos sua ei assignetur secundum quod predictum est Nulla vidua distringatur ad se maritandum dum voluerit vivere sine marito ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro si de nobis tenuerit vel sine assensu domini sui si de alio tenuerit. Nos vero vel ballivi nostri non saisiemus terram aliquam nec redditum pro debito aliquo quamdiu catalla debitoris presentia sufficiunt ad debitum reddendum et ipsi debitor paratus sit inde satisfacere ne plegii ipsius debitoris distringantur

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No. I.

- gantur quamdiu ipse capitalis debitor sufficiat ad solutionem debiti et si capitalis debitor defecerit in solutione debiti non habens unde reddat aut reddere nolit cum possit plegii respondeant de debito et si voluerint habeant terras et redditus debitoris quousque sit eis satisfactum de debito quod ante pro eo solverint nisi capitalis debitor monstraverit se inde esse quietum versus eosdem plegios
- 10 Civitas London' habeat omnes antiquas libertates et liberas consuetudines suas Preterea volumus et concedimus quod omnes alie civitates et burgi et ville et barones de quinque portubus et omnes portus habeant omnes libertates et
- 11 liberas consuetudines suas Nullus distringatur ad faciendum majus servitium de feodo militis nec de alio libero tenemento quam inde debetur Communia placita non
- 12 sequantur curiam nostram sed teneantur in aliquo certo loco Recognitiones de nova disseisina de morte antecessoris de ultima presentatione non capiantur nisi in suis comitatibus et hoc modo Nos vel si extra regnum facimus capitalis justiciarius noster mittemus duos justiciarios
- 13 per unumquemque comitatum per quatuor vices in anno qui cum quatuor militibus cujuslibet comitatus electis per comitatum capiant in comitatu in die et loco comitatus assisas predictas Et si in die comitatus assise predictae
- 14 capi non possint tot milites et libere tenentes remaneant de illis qui interfuerint comitatui die illo per quos possint sufficienter judicia fieri secundum quod negotium fuerit
- 15 majus vel minus Liber homo non amercietur pro parvo delicto nisi secundum modum ipsius delicti et pro magno delicto secundum magnitudinem delicti salvo contemento suo et mercator eodem modo salva mercandisa sua et villanus eodem modo amercietur salvo wainnagio suo si
- 16 inciderit in misericordiam nostram et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum et legalium hominum de visneto Comites et barones non
- 17 amercientur nisi per pares suos et non nisi secundum modum delicti Nullus clericus amercietur nisi secundum formam

formam predictorum et non secundum quantitatem beneficii sui ecclesiastici Nec villa nec homo distringatur facere pontes ad riparias nisi qui ab antiquo et de jure facere debet Nullus vicecomes constabularius coronatores vel alii ballivi nostri teneant placita corone nostre Si aliquis tenens de nobis laicum feodum moriatur et vicecomes vel ballivus noster ostendat literas nostras patentes de summonitione nostra de debito quod defunctus nobis debuit liceat vicecomiti vel ballivo nostro attachiare et imbreviare catalla defuncti inventa in laico feodo ad valentiam illius debiti per visum legalium hominum ita tamen quod nichil inde amoveatur donec persolvatur nobis debitum quod clarum fuerit et residuum relinquatur executoribus ad faciendum testamentum defuncti et si nichil nobis debeatur ab ipso omnia catalla cedant defuncto salvo uxori ipsius et pueris suis rationabilibus partibus suis Nullus constabularius vel ejus ballivus capiat blada vel alia catalla alicujus qui non sit de villa ubi castrum suum est nisi statim inde reddat denarios aut respectum inde habere possit de voluntate venditoris si autem de villa fuerit teneatur infra tres septimanas precium reddere Nullus constabularius distringat aliquem militem ad dandum denarios pro custodia castri si ipse eam facere voluerit in propria persona sua per alium probum hominem si ipse eam facere non possit propter rationabilem causam et si nos duxerimus vel miserimus eum in exercitum erit quietus de custodia secundum quantitatem temporis quo per nos fuerit in exercitu. Nullus vicecomes vel ballivus noster vel alius capiat equos vel carectas alicujus pro cariagio faciendo nisi reddat liberationem antiquitus statutam scilicet pro carecta ad duos equos decem denarios per diem et pro carecta ad tres equos quatuordecim denarios per diem Nec nos nec ballivi nostri capiemus alienum boscum ad castra vel alia agenda nostra nisi per voluntatem ipsius cujus boscus ille fuerit Nos non tenebimus terras eorum qui convicti fuerint de feloniam nisi per unum annum et unum diem

No. I.

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- No. I. diem et tunc reddantur terre dominis feodorum Omnes  
 kydelii de cetero deponantur penitus per Thamisiam et  
 26 Medeweiam et per totam Angliam nisi per costeram maris  
 27 Breve quod vocatur Precipe de cetero non fiat alicui de  
 aliquo tenemento unde liber homo amittere possit curiam  
 28 suam Una mensura vini sit per totum regnum nostrum et  
 una mensura cervisie et una mensura bladi scilicet quar-  
 terium London' et una latitudo panorum tinctorum et  
 ruffetorum et haubergettorum scilicet due ulne infra listas  
 29 De ponderibus autem sit ut de mensuris Nichil detur de  
 cetero pro brevi inquisitionis de vita vel membris sed gratia  
 30 concedatur et non negetur Si aliquis teneat de nobis per  
 feodifirmam vel sokagium vel per burgagium et de alio  
 terram teneat per servitium militare nos non habebimus  
 custodiam heredis nec terre sue que est de feodo alterius  
 occasione illius feodifirme vel sokagii vel burgagii nec  
 habebimus custodiam illius feodifirme vel sokagii vel bur-  
 gagii nisi ipsa feodifirma debeat servitium militare. Nos  
 non habebimus custodiam heredis vel terre alicujus quam  
 tenet de alio per servitium militare occasione alicujus parve  
 ferganterie quam tenet de nobis per servitium reddendi  
 31 nobis cultellos vel sagittas vel hujusmodi Nullus ballivus  
 ponat de cetero aliquem ad legem simplici loquela sua sine  
 32 testibus fidelibus ad hoc inductis Nullus liber homo capia-  
 tur vel imprisonetur aut disseisnatus aut utlagetur aut exulet  
 aut aliquo alio modo destruatur nec super eum ibimus nec  
 super eum mittemus nisi per legale iudicium parium suorum  
 33 vel per legem terre Nulli vendemus nulli negabimus aut  
 34 differemus rectum aut justiciam Omnes mercatores nisi  
 publice ante prohibiti fuerint habeant saluum et securum  
 exire de Anglia et venire in Angliam et morari et ire per  
 Angliam tam per terram quam per aquas ad emendum et  
 vendendum sine omnibus malis tollis per antiquas et rectas  
 consuetudines preterquam in tempore guerre et si sint de  
 terra contra nos guerrina et si tales inveniantur in terra  
 nostra in principio guerre attachientur sine dampno cor-  
 porum

porum vel rerum donec sciatur a nobis vel a capitali justiciario nostro quomodo mercatores terre nostre tractentur qui tunc inveniuntur in terra contra nos guerrina et si nostri salvi sint ibi alii salvi sint in terra nostra Si quis tenuerit de aliqua escaeta sicut de honore Walingeford Notingham Bolon' Lancastr' vel de aliis escaetis que sunt in manu nostra et sunt baronie et obierit heres ejus non det aliud relevium nec faciat nobis aliud servitium quam faceret baroni si terra illa esset in manu baronis et nos eodem modo eam tenebimus quo baroneam tenuit Homines qui manent extra forestam non veniant de cetero coram justiciariis nostris de foresta per communes summonitiones nisi sint in placito vel plegii alicujus vel aliquorum qui attachiati sunt pro foresta Omnes barones qui fundaverint abbatias unde habent cartas regum Anglie vel antiquam tenuram habeant earum custodiam cum vacaverint sicut habere debent et sicut supra declaratum est Omnes foreste que afforestatione sunt tempore regis Johannis patris nostri statim deafforestatione et ita fiat de ripariis que per eundem Johannem tempore suo posite sunt in defenso Nullus capiatur vel imprisonetur propter appellum femine de morte alterius quam viri sui Et si Rex Johannes pater noster dissaisierint vel elongaverit Wallenses de terris vel libertatibus vel aliis rebus sine legali judicio parium suorum in Anglia vel in Wallia eis statim reddantur et si contentio super hoc orta fuerit tunc inde fiat in marchia per judicium parium suorum de tenementis Anglie secundum legem Anglie de tenementis Wallie secundum legem Wallie de tenementis marchie secundum legem marchie idem facient Wallenses nobis et nostris Omnes autem istas consuetudines predictas et libertates quas nos concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros omnes de regno nostro tam clerici quam laici observent quantum ad se pertinet erga suos Quia vero quedam capitula in priore carta continebantur que gravia et dubitalia videbantur scilicet de scutagiis et auxiliis assidendis de debitis

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No. I.

debitis Judeorum et aliorum et de libertate exeundi de regno nostro vel redeundi in regnum et de forestis et forestariis warremis et warennariis et de consuetudinibus comitatum et de ripariis et earum custodibus placuit supradictis prelati et magnatibus ea esse in respectu quosque plenius consilium habuerimus et tunc faciemus plenissime tam de his quam de aliis que occurrerint emendanda que ad communem omnium utilitatem pertinuerint et pacem et statum nostrum et regni nostri. Quia vero sigillum nondum habuimus presentem cartam sigillis venerabilis patris nostri domini Gualonis titulo Sancti Martini presbiteri cardinalis apostolice sedis legati et Willielmi Mariscalli Comitis Penbrok' rectoris nostri et regni nostri fecimus sigillari Testibus omnibus prenomminatis et aliis multis Dat' per manus predictorum domini legati et Willielmi Mariscalli Comitis Penbr' apud Bristollum duodecimo die Novembris anno regni nostri primo.

## NUMBER II.

Translation of the Great Charter of King Henry III. granted November 12th, A. D. 1216., in the first Year of his Reign.

**H**ENRY, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou, to all his archbishops, bishops, abbots, earls, barons, justiciaries, foresters, sheriffs, commanders, officers, bailiffs, and all his faithful subjects, *wissheth* health. Know ye, that we, from our regard to God, and for the salvation of our own soul,

and of the souls of all our ancestors and successors, to the honour of God, and the exaltation of holy church, and amendment of our kingdom, by the advice of our venerable fathers, Gualo, cardinal presbyter, by the title of St. Martin's, legate of the apostolic see, Peter of Winchester, R. of St. Asaph, J. of Bath and Glastonbury, S. of Exeter, R. of Chichester, W. of Coventry, B. of Rochester, H. of Landaff,—of St. David's,—of Bangor, and S. of Worcester, bishops; and of these noblemen, William Marischal Earl of Pembroke, Ralph Earl of Chester, William de Ferrars Earl of Derby, William Earl of Albemarle, Hubert de Burgh, our chief justiciary, Savary de Meauleone, William Brigwere the father, William Brigwere the son, Robert de Courtenay, Fawkes de Breante, Reginald de Vautort, Walter de Lasey, Hugh Mortimere, John de Monmouth, Walter Beauchamp, Walter Clifford, Robert Mortimer, William de Cantelupe, Matthew Fitz-herbert, John Marischal, Allan Basset, Philip de Albiniaco, John Stranger, and others of our faithful subjects, have granted to God, and by this our present charter, have confirmed for us, and our heirs for ever:—First,—That the church of England shall be free, and shall have her whole rights entire, and her liberties inviolated.—We have also granted to all the free men of our kingdom, all the underwritten liberties, to be enjoyed and held for ever by them and their heirs, of us and our heirs.—If any of our earls, or barons, or others, who hold of us in chief by military service, shall die, and at his death his heir shall be of full age, and shall owe a relief, he shall have his inheritance for the ancient relief, viz. the heir or heirs of an earl, a whole earl's barony, for one hundred pounds; the heir or heirs of a baron, a whole barony, for one hundred pounds; the heir or heirs of a knight, a whole knight's fee, for one hundred shillings at most; and he who owes less shall give less, according to the ancient custom of fees.—

But

No. II.

- But if the heirs of any such be under age, his lord shall not have the custody of his land till he hath accepted his homage; and after such an heir hath been in wardship, when he hath attained the age of one and twenty, he shall have his inheritance, without relief, and without fine, but so that though he shall be made a knight while he is under age, his land shall remain in the custody of his lord till the aforesaid term. — The warden of the lands of such an heir who is under age, shall not take of the lands of that heir any but reasonable issues, and reasonable customs, and reasonable services; and that without destruction or waste of the men or goods; and if we commit the custody of any such land to a sheriff, who is bound to answer to us for the issues of them, and he shall make destruction or waste upon the lands in his custody, we will recover damages from him, and the lands shall be committed to two legal and discreet men of that fee, who shall answer for the issues to us, or to him to whom we have assigned them; and if we shall have granted or sold to any one the custody of any such lands, and he shall have made destruction or waste he shall lose the custody, and it shall be committed to two legal and discreet men of that fee, who shall answer to us as aforesaid. — Besides, the warden, as long as he hath the custody of the lands, shall keep in order the houses, parks, warrens, ponds, mills, and other things belonging to them, out of their issues: and shall deliver to the heir, when he is at age, his whole lands, provided with ploughs, and all other things, at least as well as when he received them. All these rules shall be observed in the custody of archbishoprics, bishoprics, abbacies, priories, and vacant ecclesiastical dignities, except that the custody of such shall not be sold,
- Heirs shall be married without disparagement. —
- A widow, after the death of her husband, shall, immediately and without difficulty, have her marriage-goods and her inheritance; nor shall she pay any thing for her dower,



dower, or her marriage-goods, or her inheritance, which her husband and she had on the day of his death; and she may remain forty days in her husband's house after his death, within which time her dower shall be assigned her, if it had not been assigned before, unless that house be a castle; and if she remove from the castle, a competent house shall immediately be provided for her, in which she may live decently, until her dower shall be assigned her, as aforesaid.——No widow shall be compelled to marry while she chuses to live without a husband; but so that she shall give security that she will not marry without our consent, if she holds of us, or without the consent of her lord, if she holds of another.——Neither we nor our bailiffs shall seize any land or rent for any debt, while the chattels of the debtor are sufficient for the payment of the debt, and the debtor is willing to pay it; nor shall the sureties of the debtor be distrained while the principal debtor is able to pay the debt; and if the principal debtor fail in the payment of the debt, not being able to pay it, or not willing when he is able, the sureties shall answer for the debt; and if they please they shall have the lands and rents of the debtor, until satisfaction be made to them for the debt which they had before paid for him, unless the principal debtor can shew that he is discharged from it by the said sureties.——The city of London shall have all its ancient liberties and free customs. We also will and grant, that all other cities, burghs, and towns, the barons of the cinque ports, and all other ports, shall have all their liberties and free customs.——Let no man be compelled to do more service for a knight's fee, or for any other free tenement, than what is due from thence.——Common pleas shall not follow our court, but be held in some certain place.——Assizes of mortdancester, novel disseisin, and darrein presentment, shall not be taken but in their own counties, and in this manner.—We, or, if we are out of the kingdom, our chief justiciary, shall send

- No. II. two justiciaries into each county, four times a year, who, with four knights of each county, chosen by the county, shall take the foresaid assizes, within the county, at the time and place of the county-court.—And if the foresaid assizes cannot be taken on the day of the county-court, let as many knights and freeholders, of those who were present at the county-court, remain as may be sufficient to take these assizes, according to their importance.—
- 14 A freeman shall not be amerced for a small offence, but only according to the degree of the offence; and for a greater delinquency, according to the magnitude of the delinquency, saving his freehold; a merchant in the same manner, saving his merchandise; and a villain, saving his implements of husbandry.—If they fall into our mercy, none of the foresaid amerciements shall be assessed but by
- 15 honest men of the vicinage.—Earls and barons shall not be amerced but by their peers, and that only according to the degree of their delinquency.—No clerk shall be
- 16 amerced but according to the form aforesaid, and not according to the quantity of his ecclesiastical benefice.—
- 17 Neither a town nor a particular person shall be compelled to build bridges over rivers, except those who anciently and of right are bound to do it.—No sheriffs, commanders of castles, coroners or other bailiffs of ours,
- 18 shall hold pleas of our crown.—If any one holding of us a lay fee dies, and our sheriff or bailiff shall shew our letters patent of summons for a debt which the defunct owed to us, it shall be lawful for our sheriff or bailiff to attach and register the chattels found on that fee at the sight of lawful men, so that nothing shall be removed from thence until our debt which is clearly due to us is paid; and the residue shall be left to the executors, to fulfil the last-will of the defunct; and if nothing shall be owing to us by him, let all the chattels fall to the defunct, saving to his wife and children their reasonable shares.
- 19 —No commander of castle, or his bailiff, shall take
- 20 the

the corns or goods of any one who doth not belong to the town where his castle is, without immediately paying money for them, unless he can obtain a respite with the free consent of the feller; but if he do not belong to that town, he shall be obliged to pay the price within three weeks.——No commander of castle shall compel any knight to give money for castle-guard, if he is willing to perform it in his own person, or by another sufficient man, if he cannot perform it himself, for a reasonable cause; and if we shall have carried or sent him into the army, he shall be free from castle-guard, according to the space of time he shall have been in the army by our command.——No sheriff or bailiff of ours, or of another, shall take the horses or carts of any one to perform carriage, unless he pay the price anciently fixed by the statute, viz. for a cart with two horses ten pence a-day, and for a cart with three horses fourteen pence a-day.——Neither we nor our bailiff shall take another man's wood for our castles, or other uses, without the consent of him to whom the wood belongs.——We shall not retain the lands of those who have been convicted of felony, longer than one year and one day, and then they shall be given up to the lord of the fee.——All wears for the future shall be quite removed out of the Thames, the Medway, and through all England, except on the sea-coast.——The writ which is called *precipe*, for the future, shall not be granted to any one, concerning any tenement, by which a freeman may lose his court.——There shall be one measure of wine through all our kingdom, and one measure of ale, and one measure of corn, viz. the quarter of London; and one breadth of dyed cloth, and of russets, and of halberjects, viz. two ells within the lists. It shall be the same with weights as with measures.——Nothing shall be given, for the future, for the writ of inquisition of life and limb; but it shall be given gratis, and not denied.——If any hold of us by fee-farm, or

## No. II.

soccage, or burgage, and holds an estate of another by  
 military service, we shall not have the custody of the heir,  
 or of his land, which is of the fee of another, on account  
 of that fee-farm, or soccage, or burgage; nor shall we  
 have the custody of that fee-farm, soccage, or burgage  
 land, unless it owes military service. We shall not have  
 the custody of the heir or of the land of any one, which  
 he holds of another, by military service, on account of  
 any petty fergeantry, which he holds of us, by the ser-  
 vice of giving us knives or arrows, or the like.—No  
 31 bailiff, for the future, shall put any man to his law, upon  
 a verbal complaint, without credible witnesses produced  
 32 to that effect.—No freeman shall be seized or impris-  
 oned, or disseised, or outlawed, or banished, or in any  
 other way destroyed, nor will we go upon him, nor will  
 we send upon him, except by the legal judgment of his  
 33 peers, or by the law of the land.—To none will we  
 sell, to none will we deny, to none will we delay right  
 34 and justice.—All merchants, unless they have been  
 before publicly prohibited, shall be safe and secure, in  
 going out of England, coming into England, staying in  
 and travelling through England, as well by land as by  
 water, to buy and to sell, without any unjust exactions,  
 according to ancient and right customs, except in time of  
 war; and if they belong to a country at war with us;  
 and if such are found in our territories at the beginning  
 of a war, let them be apprehended without injury of  
 their bodies or goods, until it be known to us, or to our  
 chief justiciary, how the merchants of our country are  
 treated who are found then in the country at war with  
 us; and if ours are not molested there, the other shall  
 35 not be molested in our dominions.—If any one holdeth  
 of any escheat, as of the honour of Wallingford, Not-  
 tingham, Boulogne, Lancaster, or of other escheats,

\* See vol. 6. p. 88.

which

which are in our hands, and are baronies, and he shall die, his heir shall not pay any other relief, or, do any other service to us, than he would have done to the baron, if the lands had been in the hands of the baron; and we shall hold it in the same manner that the baron held it.

—Men who reside without a forest, shall not, for the future, come before our justices of the forest, on a common summons, unless they be parties in a plea, or surtises for some person or persons attached for the forest.

—All barons who have founded abbies, of which they have charters from the kings of England, or ancient tenures, shall have the custody of them when they are vacant, as of right they ought to have, and as it is declared above.

—All forests, which were made in the time of king John, our father, shall be immediately disforested; the same shall be done with rivers which were appropriated by the same king John in his time.

—No man shall be apprehended on the appeal of a woman for the murder of any other than her husband.

—If king John, our father, disseised or dispossessed any Welshmen of their lands, liberties, or other things, without a lawful trial by their peers, in England or in Wales, let them be immediately restored to them; and if any dispute shall arise about it, then let it be determined in the marches, by the judgment of their peers; if the tenement be in England, according to the law of England; if in Wales, according to the law of Wales; if in the marches, according to the law of the marches. The Welsh shall do the same to us and our subjects.

—All the above customs and liberties which we have granted in our kingdom, to be warranted by us to our people, shall be observed by all our subjects, both clergy and laity, towards those that hold of them.

—But because some chapters contained in the former charter, seemed of great importance, and of a doubtful nature, viz. of the manner of assessing scutages and aids,—of the debts of the

**No. II.** the Jews and others,—of the liberty of going out of the kingdom and returning into it,—of forests and foresters, warrens and warreners, of the customs of counties,—of rivers and their keepers, it seemed good to the aforesaid prelates and nobles, that these should be suspended till further deliberation be had, and then we shall do, in the most ample manner, concerning these, and all other things which may occur to be amended, what may tend to the common benefit of all, and to the peace and prosperity of us and our kingdom. But because we have not yet a great seal of our own, we have commanded this present charter to be sealed with the seals of our venerable father lord Gualo cardinal presbyter, by the title of St. Martin, and legate of the Apostolic see, and of William Marischal earl of Pembroke, governor of us and of our kingdom, all the before named, and many others, being witnesses. Given by the hands of the aforesaid lord legate and William Marischal earl of Pembroke, at Bristol, the twelfth day of November, in the first year of our reign.

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NUMBER III.

**No. III.** Provisions, &c. at the Installation-feast of Ralph de Borne, abbot of St. Austin's abbey, Canterbury, with their prices, A. D. 1309.<sup>a</sup>

Wheat, 53 loads, price	-	-	-	£	19	0	0
Malt, 58 loads	-	-	-		17	10	0
Wine, 11 tuns	-	-	-		24	0	0
Oats, 20 loads	-	-	-		4	0	0

<sup>a</sup> Chron. T. Thorn, col. 2010.

Spices

# APPENDIX.

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Spices	-	-	-	£ 28	0	0	No. III.
Wax, 300 pounds	-	-	-	8	0	0	
Almonds, 500 pounds	-	-	-	3	18	0	
Carcasses of beef, 30	-	-	-	27	0	0	
Hogs, 100	-	-	-	16	0	0	
Sheep, 200	-	-	-	30	0	0	
Geese, 1000	-	-	-	16	0	0	
Capons and hens, 500	-	-	-	6	5	0	
Chickens, 463	-	-	-	3	14	0	
Pigs, 200	-	-	-	5	0	0	
Swans, 34	-	-	-	7	0	0	
Rabbits, 600	-	-	-	15	0	0	
Shields of braun, 17	-	-	-	3	5	0	
Partridges, mallards, bitterns, larks	-	-	-	18	0	0	
Earthen pots, 1000	-	-	-	0	15	0	
Salt, 9 loads	-	-	-	0	10	0	
Cups, 1400, dishes and plates, 3300, befoms, &c.	-	-	-	8	4	0	
Fish, cheefe, milk, garlic	-	-	-	2	10	0	
Eggs, 9600	-	-	-	4	10	0	
Saffron and pepper	-	-	-	1	14	0	
Coals, casks, furnaces	-	-	-	2	8	0	
Making tables, trestles, dressers	-	-	-	1	14	0	
Canvas, 300 ells	-	-	-	4	0	0	
To cooks and their boys	-	-	-	6	0	0	
To minstrels	-	-	-	3	10	0	

## NUMBER IV.

No. IV. A Charter of Henry III. A.D. 1258, in the vulgar English of that time, with a literal translation interlined.

HENRY, thurg Godes fultome, king on Englece;  
*Henry, through God's support, king of Eng-*

loande, lhoauerd on Yrloand, duk on Normand, on  
*land, lord of Ireland, duke of Normandy, of*

Acquitain, eorl on Anjou, fend I greting, to alle hise  
*Acquitain, earl of Anjou, sends greeting, to all his*

holde, ilærde and ilewede<sup>a</sup> on Huntindonn-schiers.  
*subjects, learned and unlearned<sup>a</sup> of Huntington-shire.*

Thæt witen ge wel alle, thæt we willen and unnen,  
*This know ye well all, that we will and grant,*

thæt ure rædesmen alle other the moare del of heom,  
*what our counsellors all or the more part of them*

thæt beoth jchosen thurg us and thurg thæt loandes-  
*that be - chosen through us and through the land-*

folk on ure kuneriche, habbith idon, and schullen don, in  
*folk of our kingdom, have done, and shall do, to*

the worthnes of God, and ure treowthe, for the freme  
*the honour of God, and our allegiance, for the good*

<sup>a</sup> Clergy and laity.



of the loande, thurg the besigte of than toforen *No. IV.*  
*of the land, through the determination of those before*

*iseide rædesmen, beo stedefæst and uestinde in alle  
 said counsellors, be stedfast and permanent in all*

*thinge abutan ænde, and the heaten all ure treowe, in  
 things without end, and we enjoin all our lieges, by*

*the treowthe thet heo us oge, thet heo stede-fæstliche  
 the allegiance that they us owe, that they stedfastly*

*healden and weren to healden and to swerien the  
 hold and swear to hold and to maintain the*

*iscetneses thet beon makede and beo to makien, thurg  
 ordinances that be made and be to be made, through*

*than to foren iseide rædesmen, oðer thurg the moate  
 the before said counsellors, or through the more*

*del of heom alswo, alse hit is beforese iseide. And thet  
 part of them also, as it is before said. And that*

*æhcother helpe thet for to done bitham ilche oðer,  
 each other help that for to do by them each other,*

*aganes alle men, in alle thet heo ogt for to done, and  
 against all men, in all that they ought for to do, and*

*to foangen. And noan ne of mine loande, ne of  
 to promote. And none either of my land, nor of*

*egetewher, thurg this besigte, muge beon ilet oðer  
 elsewhere, through this business, may be impeded or*

*iwersed on oniewise. And gif oni ether onie  
 damaged in any way. And if any man or any woman  
 cumen*

No. IV. *camen her ongenes, we willen and heaten, thæt alle cometh them againſt, we will and enjoin, that all*

*ure treowe heom healden deadlichiftan. And for thæt our liages them hold deadly foes. And for that*

*we willen thet this beo ſtedefæſt and leſtinde, we ſenden we will that this be ſtedfaſt and laſting, we ſend*

*gew this writ open, iſeined with ure ſeel, to halden you this writ open, ſealed with our ſeal, to keep*

*amanges gew ine hord. Witnes us-ſelven æt Lundæn-amongſt you in ſtore. Witneſs ourſelf at Lon-*

*thane, egtetenthe day on the monthe of Octobr, in don, the eighteenth day of the month of October, in*

*the two and fowertigthe geare of ure crunning. the two and fortieth year of our crowning.*

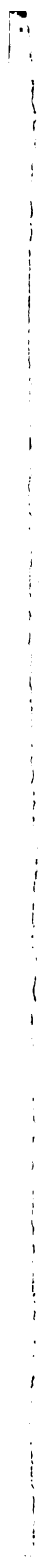
END OF THE EIGHTH VOLUME.

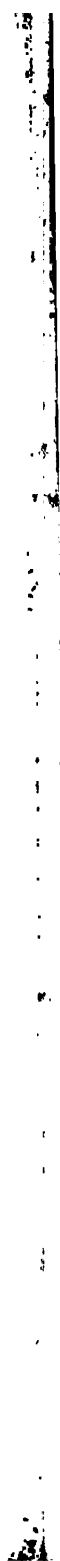


271\* AM.











B'D NOV 27 1914



B'D NOV 27 1912

